

KFI
1235
.A21
pc



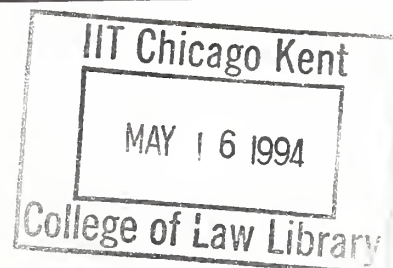
1994

Illinois Register

Rules of Governmental Agencies

Volume 18, Issue 18 — May 6, 1994

Pages 6467-7155



Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

Printed on recycled paper

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

May 6, 1994 Volume 18, Issue 18

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
CLIENT SERVICE PLANNING

89 Ill. Adm. Code 3056467

EDUCATION, STATE BOARD OF
SPECIAL EDUCATION

23 Ill. Adm. Code 2266482

ELECTIONS, STATE BOARD OF
PRACTICE AND PROCEDURE

26 Ill. Adm. Code 1256509

LOTTERY, DEPARTMENT OF THE
LOTTERY (GENERAL)

11 Ill. Adm. Code 17706519

POLLUTION CONTROL BOARD

HAZARDOUS WASTE MANAGEMENT SYSTEM:GENERAL

35 Ill. Adm. Code 7206553

IDENTIFICATION AND LISTING OF

HAZARDOUS WASTE

35 Ill. Adm. Code 7216526

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE AND DISPOSAL FACILITIES

35 Ill. Adm. Code 7256568

LAND DISPOSAL RESTRICTIONS

35 Ill. Adm. Code 7286535

RCRA PERMIT PROGRAM

35 Ill. Adm. Code 7036580

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

35 Ill. Adm. Code 7246641

STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
OF HAZARDOUS WASTE MANAGEMENT FACILITIES

35 Ill. Adm. Code 7266600

PUBLIC HEALTH, DEPARTMENT OF

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

77 Ill. Adm. Code 2056653

RACING BOARD, ILLINOIS

GENERAL LICENSEE RULES

11 Ill. Adm. Code 13136680

REVENUE, DEPARTMENT OF

RETAILERS' OCCUPATION TAX

86 Ill. Adm. Code 1306684

SECRETARY OF STATE
RULEMAKING

1 Ill. Adm. Code 1007087

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
AUDITS, REVIEWS, AND INVESTIGATIONS

89 Ill. Adm. Code 4346697

POLLUTION CONTROL BOARD

HAZARDOUS WASTE MANAGEMENT SYSTEM:GENERAL

35 Ill. Adm. Code 7206720

IDENTIFICATION AND LISTING OF

HAZARDOUS WASTE

35 Ill. Adm. Code 7216741

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE AND DISPOSAL FACILITIES

35 Ill. Adm. Code 7256771

LAND DISPOSAL RESTRICTIONS

35 Ill. Adm. Code 7286799

RCRA AND UIC PERMIT PROGRAMS

35 Ill. Adm. Code 7026918

RCRA PERMIT PROGRAM

35 Ill. Adm. Code 7036898

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

35 Ill. Adm. Code 7246973

STANDARDS FOR THE MANAGEMENT OF USED OIL

35 Ill. Adm. Code 7396931

PUBLIC AID, DEPARTMENT OF

AID TO FAMILIES WITH DEPENDENT CHILDREN

89 Ill. Adm. Code 1126994

ASSISTANCE STANDARDS

89 Ill. Adm. Code 1117009

EMERGENCY RULES

SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF
SAVINGS BANK ACT

38 Ill. Adm. Code 10757016

NOTICE OF PUBLIC INFORMATION

REVENUE, DEPARTMENT OF

20 ILCS 2515/1, et seq.7028

REGULATORY FLEXIBILITY IMPACT ANALYSIS

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

77 Ill. Adm. Code 20907068

CARNIVAL - AMUSEMENT SAFETY BOARD

CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

56 Ill. Adm. Code 60007069

JOINT COMMITTEE ON ADMINISTRATIVE RULES-REVIEW OF EXISTING RULES-
STATEMENT OF OBJECTIONS AND RECOMMENDATIONS

EMPLOYMENT SECURITY, DEPARTMENT OF

NOTICES, RECORDS, REPORTS

56 Ill. Adm. Code 27607070

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL
TO PROPOSED RULES

FINANCIAL INSTITUTIONS, DEPARTMENT OF

SCHEDULES OF MAXIMUM RATES TO BE CHARGED FOR CHECK CASHING

AND WRITING OF MONEY ORDERS BY COMMUNITY AND AMBULATORY

CURRENCY EXCHANGES

38 Ill. Adm. Code 1307071

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received7072

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

94-4 Danville Sewage Treatment Facility7074

PROCLAMATIONS

94-158 Disaster Areas-Champaign and Iroquois Counties7075

94-159 Christian Heritage Week7075

94-160 Darryl Hartley-Leonard and Hyatt Hotels
Corporation Day7076

94-161 Scientific Literacy Week7076

94-162 E.M. (Buck) Chastain Day7077

94-163 Groundwater Protection Month7078

94-164 Monsignor Edward J. Duncan Day7078

94-165 Smiles For Little City Days7079

94-166 George Hovanec Appreciation Day7079

94-167 Kim Deakins, Janelle King, and Mary Murphy Day7080

94-168 Suicide Prevention Week/Survivors of Suicide Day7080

94-169 Day of Prayer7081

94-170 James M. Bailey Day7081

94-171 Chicago Commons Month7082

94-172 Charleston Area Senior Center Day7083

94-173 Community Baking Week7083

94-174 Correctional Officer Week7084

94-175 Dyslexia/Learning Disabilities Month7084

94-176 Home Education Week7085

94-177 Mattoon Area Senior Center Day7085

94-178 Zion Missionary Baptist Church Day7086

CUMULATIVE INDEX

1994 Index - Issue # 18CI-1

SECTIONS AFFECTED INDEX

1994 Index - Issue # 18SAI-1

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
Dec. 28, 1993	Jan. 4, 1994	2	Jan. 14, 1994	July 5, 1994	July 12, 1994	29	July 22, 1994
Jan. 4, 1994	Jan. 11, 1994	3	Jan. 21, 1994	July 12, 1994	July 19, 1994	30	July 29, 1994
Jan. 11, 1994	Jan. 18, 1994	4	Jan. 28, 1994	July 19, 1994	July 26, 1994	31	Aug. 5, 1994
Jan. 18, 1994	Jan. 25, 1994	5	Feb. 4, 1994	July 26, 1994	Aug. 2, 1994	32	Aug. 12, 1994
Jan. 25, 1994	Feb. 1, 1994	6 (Mon.)	Feb. 14, 1994	Aug. 2, 1994	Aug. 9, 1994	33	Aug. 19, 1994
Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
Feb. 8, 1994	Feb. 15, 1994	8	Feb. 25, 1994	Aug. 16, 1994	Aug. 23, 1994	35	Sept. 2, 1994
Feb. 15, 1994	Feb. 22, 1994	9	Mar. 4, 1994	Aug. 23, 1994	Aug. 30, 1994	36	Sept. 9, 1994
Feb. 22, 1994	Mar. 1, 1994	10	Mar. 11, 1994	Aug. 30, 1994	Sept. 6, 1994	37	Sept. 16, 1994
Mar. 1, 1994	Mar. 8, 1994	11	Mar. 18, 1994	Sept. 6, 1994	Sept. 13, 1994	38	Sept. 23, 1994
Mar. 8, 1994	Mar. 15, 1994	12	Mar. 25, 1994	Sept. 13, 1994	Sept. 20, 1994	39	Sept. 30, 1994
Mar. 15, 1994	Mar. 22, 1994	13	Apr. 1, 1994	Sept. 20, 1994	Sept. 27, 1994	40	Oct. 7, 1994
Mar. 22, 1994	Mar. 29, 1994	14	Apr. 8, 1994	Sept. 27, 1994	Oct. 4, 1994	41	Oct. 14, 1994
Mar. 29, 1994	Apr. 5, 1994	15	Apr. 15, 1994	Oct. 4, 1994	Oct. 11, 1994	42	Oct. 21, 1994
Apr. 5, 1994	Apr. 12, 1994	16	Apr. 22, 1994	Oct. 11, 1994	Oct. 18, 1994	43	Oct. 28, 1994
Apr. 12, 1994	Apr. 19, 1994	17	Apr. 29, 1994	Oct. 18, 1994	Oct. 25, 1994	44	Nov. 4, 1994
Apr. 19, 1994	Apr. 26, 1994	18	May 6, 1994	Oct. 25, 1994	Nov. 1, 1994	45	Nov. 14, 1994 (Mon.)
Apr. 26, 1994	May 3, 1994	19	May 13, 1994	Nov. 1, 1994	Nov. 7, 1994 (Mon.)	46	Nov. 18, 1994
May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
June 7, 1994	June 14, 1994	25	June 24, 1994	Dec. 13, 1994	Dec. 20, 1994	52	Dec. 30, 1994
June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- | | | |
|----|-------------------------|-------------------------|
| 1) | <u>Heading of Part:</u> | Client Service Planning |
| 2) | <u>Code Citation:</u> | 89 Ill. Adm. Code 305 |
| 3) | <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| | 305.20 | Amend |
| | 305.30 | Amend |
| | 305.40 | Amend |

4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/1 et seq.]

5) A Complete Description of the Subjects and Issues Involved: The number of children who are receiving foster care services from a person who is related to them has increased steadily over the past few years. Many of these children are in stable living situations with a relative caregiver and are likely to remain in this caregiving arrangement for a number of years. The Department of Children and Family Services is creating a new permanency option called delegated relative authority, to meet the needs of those children for whom it has been determined that adoption or return home are not appropriate permanency goals. Delegated relative authority will be selected as a permanency option for only those children who are in a safe and stable living arrangement, who do not have extraordinary medical, mental health, or educational needs, for whom reunification with their biological or legal parents within a one year period is highly unlikely, and whose relative caregivers have demonstrated the ability to protect the children from harm.

6) Will these proposed rules replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed rules contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 86, par. 2203) [30 ILCS 805/3].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on these proposed amendments:

Comments on these proposed amendments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station # 222
Springfield, Illinois 62701-1498

Phone: (217) 524-1983

TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings have been scheduled on these proposed amendments. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Types of small businesses affected: Child welfare agencies

C) Reporting, bookkeeping, or other procedures required for compliance:

Child welfare agencies which supervise relative family homes and provide child welfare services to related children placed with their relatives will experience some reduction in the number of court hearings they will need to prepare for and attend.

D) Types of professional skills required for compliance: No additional skills.

The full text of the proposed amendments begin on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 305
 CLIENT SERVICE PLANNING

Section	Purpose
305.10	Definitions
305.20	Introduction to Client Service Planning
305.30	Types of Permanency Goals
305.40	Service Plan
305.50	Case Review System
305.60	Roles and Responsibilities of the Administrative Case Reviewer
305.70	Decision Review
305.80	Parent-Child Visitation
305.90	Evaluating Whether Children in Placement Should Be Returned Home
305.100	Termination of Parental Rights
305.110	Planning for the Termination of Services
305.120	The Department's Role in the Juvenile Court
305.130	Compliance With the Client Service Planning Requirements
305.140	

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/1 et seq.], Section 7.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.1) [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), Section 801-1 of the Juvenile Court Act (Ill. Rev. Stat. 1991, ch. 37, par. 801.1) [750 ILCS 405/1-1], and Section 1 of the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1501 et seq.) [750 ILCS 50/0-01].

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 305.20 Definitions

"Abandonment" means parental conduct which demonstrates the purpose of relinquishing all parental rights and claims to the child.

"Administrative case review" means a review open to the participation of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Delegated relative authority" means the Department has selected a relative caregiver, in accordance with subsection 305.40 (d), as a continuous, stable living arrangement for related children and has delegated day to day decision making on behalf of those children to the relative caregiver. The Department would retain guardianship of the children and continue to exercise authority over all major decisions which affect their life and health.

"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through a purchase of service provider.

"Desertion" means parental conduct which evidences an intention to permanently terminate custody of a child, but not to relinquish all parental rights, claims and responsibilities.

"Discharge planning" means service planning which focuses on providing a smooth transition from Department guardianship or custody and the receipt of child welfare services to discharge from guardianship or custody and the termination of child welfare services.

"Individual treatment plan (ITP)" or "treatment plan" as defined in 59 Ill. Adm. Code 132, Medicaid Community Mental Health Services, means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program (IEP)" means the document prepared by the local school district, as a result of a Multidisciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226, Special Education.

"Individualized Family Service Plan (IFSP)" means a written working document

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6351-3) [20 ILCS 305/1-101] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the child's safety and well-being have been ensured despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Putative fathers are considered legal parents when paternity has been acknowledged in writing or adjudicated in court.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanency option" means a placement which provides a continuous, stable living arrangement for the child, but does not necessarily provide a permanent living arrangement or a permanent legal status for the child. Permanency options may serve as steps to the ultimate achievement of a permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child, or the foster parent or relative may take guardianship of the child.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

"Rehabilitative services plan." A written plan developed in accordance with 59 Ill. Adm. Code 132.155, Medicaid Community Mental Health Services, which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.

"Service plan" means a written plan on a form prescribed by the Department which guides all participants in the plan toward the permanency goals for the children.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in an approved relative home, care provided in a group home, and care provided in a child care or other institution.

"Termination of parental rights" means a court order which relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 305.30 Introduction to Client Service Planning

a) Principles of Client Service Planning

- 1) Client service planning is an on-going process that must begin with an assessment of client need in relation to Department service mandates and must include periodic reassessment of such needs in light of the services provided, the permanency goal or an alternative permanency option, and the progress toward achieving the goal or option.
- 2) Case planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of expectations and obligations. This documentation should include:
 - A) a desired permanent living arrangement for each child served that is recorded in the service plan as a permanency goal or permanency option;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
- C) identification of measurable changes or outcomes that will signify problem resolution;
- D) identification of what the Department and other service providers will provide toward achieving the desired permanent living arrangement;
- E) identification of applicable time frames; and
- F) identification of any consequences to the client if the time frames are not met.

3) Although the Department maintains ultimate responsibility for the service plan, case planning must be an inclusive process in which all of the participants in a case (parents, children, service providers) are given the opportunity to have input.

4) Case planning activities, including development of the service plan and case review, reflect and must be consistent with federal and State requirements, e.g., 42 U.S.C. 675 (1991) and the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5006a) [20 ILCS 505/1 et seq.].

b) The Need For a Permanent, Secure and Nurturing Home

- 1) The Department recognizes that children need permanent, secure, and nurturing homes for healthy psychological development in order to mature to stable adulthood. Therefore, the Department strives to preserve family life and to stabilize children's homes, whenever possible, and to assist in the solution of problems which are likely to result in the abuse, neglect, or exploitation of children.
- 2) When children and families must be separated to reduce or prevent harm to the children, the Department strives to reunite families as quickly as is consistent with the children's safety and well-being. ~~Infrequently,~~ Sometimes, children and families cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards. When this occurs the Department strives to find other permanent homes for children.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

c) The Child's Sense of Time and The Importance of Aggressive Planning

- 1) The Department recognizes that children have a different sense of time than adults. What seems like a short family disruption or a brief separation to adults may be a very painful and intolerably long period for children. In general, younger children are less able to tolerate periods of separation than older children. For this reason, the Department shall act promptly using the best information available when dealing with children and their families.

- 2) The Department believes that aggressive planning with an emphasis on decision making, followed by the actions needed to carry out those decisions, will secure permanent homes for children. Therefore, the Department requires service planning directed toward a permanency goal beginning from the earliest contacts with children and families. Through service planning the Department strives to assure that children are in permanent homes as quickly as is consistent with their safety and well-being while recognizing the urgency caused by the child's sense of time.

d) The Use of Outside Consultation

- 1) The Department recognizes the gravity of the decisions that must be made and, recognizing the urgency caused by the child's sense of time, the importance of acting deliberatively, yet promptly, on each case. Therefore, the Department strives to consult professionals and agencies outside the Department and to seek a balance of opinions from the following public and private agencies, when appropriate:

- A) health, education and social service agencies;
- B) law enforcement agencies; and
- C) other agencies, organizations, or programs which provide or are concerned with human services.

- 2) This consultation allows Department staff to attain a broad perspective on the alternatives available to children and families and on the potential impact of these alternatives on the lives of the children and families served.

e) The Critical Decisions

- 1) Although all Department decisions affecting children and families are

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

important, the Department identifies the following decisions as the most critical ones affecting children and families:

- A) Deciding whether to remove children from the home of their parents or whether services can prevent placement away from their parents;
- B) deciding whether to return children to the home of their parents from a placement away from their parents;
- C) deciding whether to decrease the frequency or the duration of parent-child visits and whether the visits should be supervised;
- D) deciding whether to change children's placements;
- E) deciding whether parental rights should be terminated and an alternate permanent home sought; and
- F) deciding if children are prepared for partial or total independence.

- 2) When making a critical decision, any opinions or recommendations from professionals or agencies outside the Department shall be carefully weighed. In addition, the Department requires the participation of children and families in service planning and decision-making to the greatest extent possible.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 305.40 Types of Permanency Goals and Alternative Permanency Options

- a) The Department shall consider the recommendations of the purchase of service providers, if any, and shall select permanency goals or alternative permanency options for the children and families it serves in order to guide service planning and achieve permanent homes for children. The Department shall ensure that services provided to children and families move them toward the permanency goals or alternative permanency options. The permanency goals are:

- 1) Remaining at Home;
- 2) Returning Home;
- 3) Adoption;
- 4) Permanent Family Placement
 - A) with an unrelated foster family;
 - B) with relatives;
- 5) Independence;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) Long Term Care in a Residential Facility; and
- 7) Substitute Care Pending Court Decision Regarding Termination of Parental Rights.

- b) When selecting a permanency goal, the Department shall use the criteria in this Section.

- 1) Remaining at Home

Remaining home with their parents is the preferred goal when the child's safety and well-being are not clearly endangered if allowed to remain at home. This permanency goal is consistent with the Department's service goal of family preservation. It emphasizes the importance of keeping families together and also stresses that the family is primarily responsible for caring for the child. In addition, this permanency goal is usually the least disruptive to family life.

- 2) Returning Home

- A) Returning children to their parent's homes is the preferred goal for children who have been placed in substitute care away from their parents. This permanency goal is consistent with the Department's service goal of family reunification. It reinforces the family's responsibility to care for their children and maintain the family relationship. Furthermore, this permanency goal is usually the least traumatic alternative for both the families and children.

- B) Returning home should be established as the permanency goal:

- i) when the parents appear to have the capability to attain the minimum parenting standards with the aid of family reunification services; and

- ii) when the parents are cooperative with the Department and its purchase of service providers, if any, and want to resolve the problems.

- C) Returning home should be continued as the permanency goal as long as the parents are substantially complying with the requirements of the service plan and are progressing satisfactorily toward the permanency goal.

- 3) Adoption

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Adoption is the preferred permanency goal when parental rights have been terminated on a child. This permanency goal is to be established only:

- A) after both parents have signed adoptive surrenders; or
- B) after a court has terminated the parental rights of both parents and has designated the Department as guardian with the power to consent to the child's adoption; or
- C) after one parent has signed an adoptive surrender and parental rights have been terminated on the remaining parent through court action; or
- D) when one parent has signed an adoptive surrender and the identity and/or the whereabouts of the remaining parent is unknown, and the Department expects the parental rights of the remaining parent to be terminated through court action; and
- E) the child, if 14 years of age or over, consents to the adoption.

4) Permanent Family Placement

A) Although a permanent family placement is more desirable than a series of short-term placements, it is not a preferred permanency goal for the child. Without the legal safeguards offered by a permanent legal guardian, a permanent family placement may fail to provide the child with a sense of belonging and permanency. A permanent family placement is the permanency goal only:

- i) when to return the child home is not consistent with ensuring the child's safety and well-being; and
 - ii) when the child, if 14 years of age or older, clearly does not want to be adopted or the child, if under age 14, has been provided counseling to help him accept another family, but continues to be unable to accept another family; or
 - iii) The child is otherwise deemed unadoptable.
- B) The Department shall strive to assure continuity of care, a sense of permanency, and emotional support for the child by

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

establishing the child's permanent caretaker as the legal guardian of the child. However, taking legal guardianship is not required for the placement to be considered permanent.

- C) When weighing the advantages of a permanent family placement with relatives against the advantages of a permanent family placement with an unrelated foster family, the quality of the relationship between the relatives, the child, the child's parents, and the child's foster parents, if any, shall be a factor. In addition, other factors shall be the likelihood of establishing a permanent legal relationship between the child and the relative as compared to the likelihood of establishing a permanent legal relationship between the child and the unrelated foster parents.

5) Independence

Independence may be a goal for adolescents 16 years of age or older who have demonstrated the ability to care for themselves, who do not wish to be adopted, who are becoming economically self-sufficient, or who are establishing a family of their own. When the child becomes 18, the child must cooperate according to his service plan. If the child 18 years of age or over does not cooperate, the Department may seek to terminate services and seek to end its legal relationship with the child.

6) Long-Term Care in a Residential Facility

A) A very small percentage of children served by the Department are determined severely physically, mentally, or emotionally handicapped by a physician, psychiatrist, or other professional qualified by education or experience to make this judgment. These children require long term care, usually in an intermediate or skilled nursing facility, or in a child care institution. They are expected to continue to need this care in the foreseeable future. For these children, long-term care in a residential facility is the permanency goal.

B) These severely physically, mentally, or emotionally handicapped children who require long-term care should not be confused with children who are in group homes or institutions in order to receive intensive, short-term treatment directed toward correcting problems which significantly interfere with life outside the institution. Long-term care in a residential facility is not an appropriate permanency goal for children who are receiving short-term, intensive services in a group home or institution.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

7) Substitute Care Pending Court Decision regarding Termination of Parental Rights

A) Substitute care pending court decision regarding termination of parental rights is the preferred permanency goal when a decision has been made to pursue termination of parental rights. This goal is to be established only when:

- i) Efforts to reunite the child and biological or legal family have been unsuccessful as documented in the case record; or
- ii) The evaluations of at least two professionals must find the parent(s) have a chronic incapacity which will not respond to rehabilitation and which makes it clearly improbable that the parents will attain minimum parenting standards. These professionals must be qualified by their education or experience in the fields of psychiatry, psychology, social work, developmental disabilities, chemical dependency, or other specialized areas of knowledge relevant to the pending issue. These evaluations shall weigh whether the parents can attain the minimum parenting standards (established by the Department) after considering the public, private and extended family resources which can assist the parents with caring for the children; and

iii) The child, if 14 years of age or older, is in agreement with the plan to pursue termination of parental rights; and

iv) Department legal staff determine if there is sufficient evidence to pursue termination of parental rights in accordance with paragraph 1501 (D) of the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1501) [750 ILCS 50/0.01].

B) This goal shall continue as the permanency goal until such time as the court granted or denied termination of parental rights, or until such time as a degree of progress is noted in the parent(s) situation which would require an evaluation of, and possible change in the established permanency goal pursuant to Sections 305.50 and 305.60.

C) If the court grants termination of parental rights, this goal shall

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

be changed to adoption. If the termination of parental rights petition is denied, another permanency goal shall be selected.

c) Permanency Options

In addition to the permanency goals identified in (b) above, the Department also recognizes delegated relative authority as an alternative permanency option which does not provide the legal status of a permanency goal, but does allow the child to be placed in a stable, continuous living arrangement. When delegated relative authority is selected as a permanency option, the relative caregiver shall continue to receive payments for the care of the child which shall equal not more than \$ 1.00 less than the foster care rate in effect when authority for the child's care was delegated to the relative. Administrative case reviews shall continue to be conducted at least every six months, permanency review hearings shall continue to be held as required by law, and parent/child visits shall continue, as appropriate. The Department retains guardianship of the child and the authority to make all major medical consents, consent to the release of confidential information, and other major decisions which affect the related children's life and health.

d) Delegated relative authority may be selected as a permanency option for the following types of cases:

- 1) the children have been living with a related caregiver who has been approved under 89 Ill. Adm. Code 335, Relative Home Placement, or licensed under 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, and the children have remained with the related caregiver for a minimum of one year immediately prior to establishing delegated relative authority;
- 2) the children have been in the guardianship of the Department for at least six months immediately prior to establishing delegated relative authority;
- 3) the children do not have extraordinary medical, mental health, or educational needs which require targeted case management services;
- 4) the relative caregivers have demonstrated the willingness and ability to protect the children from persons who may harm them;
- 5) the relative caregivers have demonstrated the willingness and ability to appropriately control and supervise visits and contacts between the children and their biological or legal parents, in accordance with the service plan developed by the Department;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 6) the relative caregivers have a safe and stable home environment which poses no danger to the related children;
- 7) the Department has documented that reunification with the biological or legal parents within a one year period is highly unlikely for reasons such as:
- A) long-term parental incarceration, or
 - B) chronic and serious mental illness, or
 - C) serious physical or mental incapacity, or
 - D) addiction to drugs or alcohol which is not responding successfully to treatment; or
 - E) other significant barriers to returning the children home within one year;
- 8) adoption or private guardianship as permanency goals have been determined to be not in the best interests of the related children; or
- 9) other circumstances as the Department may determine to be appropriate.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education.
- 2) Code Citation: 23 Ill. Adm. Code 226.
- 3) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
226.5	Amendment
226.535	Amendment
226.552	Amendment
226.560	Amendment
226.562	Amendment
226.575	Amendment
226.682	Amendment

- 4) Statutory Authority: 105 ILCS 5/2-3.6.

- 5) A Complete Description of the Subjects and Issues Involved:
Most of these amendments respond to requirements imposed by the federal Office of Special Education Programs (OSEP) as a result of the 1990 reauthorization of the Individuals With Disabilities Education Act (IDEA) and subsequent federal rulemaking.

For example, the added and modified definitions in Section 226.5 conform to the federal regulations at 34 CFR 300.5, 300.6, 300.16, and 300.18.

The amendment to Section 226.535 was made necessary by the formal recognition of autism among the characteristics leading to eligibility for special education, as set forth in the language added to Section 226.552. The addition of autism and traumatic brain injury to the list of characteristics in that Section, along with the deletion of education handicap, brings the Illinois rules into conformance with 34 CFR 300.7. Developmental delay is defined here to match the content of Illinois' approved state plan for special education.

The changes to Section 226.560 and some of those to Section 226.562 are needed to comply with 34 CFR 300.344 regarding planning for transition services, and the new language in Section 226.575 reflects agreements made with OSEP in conjunction with its approval of the state plan as regards services to very young children.

Another aspect of Section 226.562 arises from enactment of P.A. 87-934, which changed the basis on which a disabled

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

student's participation in the Illinois Goal Assessment Program is decided. This rule now reflects the requirements of the federal regulations at 34 CFR 300.4, 300.6, and 300.550.

Finally, changes are being proposed to Section 226.682 in order to improve administrative procedures connected with hearings.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950
- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section	Terms Defined
226.5	

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section	
226.10	Cost to be Borne by Local School District
226.20	Comprehensive Program of Special Education
226.30	Cooperative Special Education Programs
226.40	Rights of Children Requiring Special Education-Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

Section	
226.110	Educational Needs to be Met
226.115	Continuum of Program Options
226.120	Ages for Which Programs are to be Available
226.125	Least Restrictive Environment
226.130	Facilities for Classes for Handicapped
226.135	Written Policies for Handicapped Students' Records
226.140	Director of Special Education
226.145	Supervision
226.150	Role of Local District Administrator
226.155	Responsibilities to Be In Writing
226.160	Approval of Programs and Services Not in Compliance With this Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

Section	
226.210	Design of Special Education Instructional Programs
226.215	Curriculum for Instructional Programs
226.220	Factors to Consider in Developing Instructional Programs
226.225	Instructional Class Size

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

226.230 Integration of Student Into Standard Program
 226.240 Special Education Resource Programs

SUBPART E: SPECIAL EDUCATION RELATED SERVICES

Section
 226.250 Related Services to be Provided by School District
 226.260 Other Related Services
 226.270 Student Based Objectives
 226.280 Specific Objectives
 226.290 Time Spent on Behalf of Students

SUBPART F: PREVOCATIONAL PROGRAM

Section
 226.310 Provision of Prevocational Programs
 226.315 Determination of Need for Prevocational Program
 226.320 Vocational Plan
 226.325 Community Work Experiences
 226.330 Time Spent in Community Work Experiences
 226.335 Supervision of Community Work Experiences
 226.340 Coordination With Other Vocational Programs

SUBPART G: HOME OR HOSPITAL PROGRAM

Section
 226.350 Content of Home and Hospital Programs
 226.355 To Whom Provided
 226.360 Commencement
 226.365 Amount of Instruction and Related Service
 226.370 Scheduling
 226.375 Summer Instructional Service
 226.380 Conferences to Facilitate Student's Return
 226.385 Improper Use of Home and Hospital Program

SUBPART H: STATE OPERATED OR PRIVATE PROGRAMS

Section
 226.410 Referral to State or Private Facilities
 226.415 Availability of Community Resources
 226.420 Residential placement
 226.425 District's Responsibility to Locate Alternate Programs
 226.430 Local District Responsible for Payment When Private Facility is Utilized
 226.435 Annual Approval of Private Placements
 226.440 Agreement Between Local School District and Private Facility
 226.442 Supportive Data to be Maintained

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

226.445 Transportation and Other Services
 226.450 Monitoring of Student Progress by School District
 226.460 Annual Transportation (Repealed)

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF EXCEPTIONAL CHILDREN

Section
 226.505 Communication of Special Education Programs to Public
 226.510 Child Find Activities
 226.515 Case Study Evaluation Process
 226.520 Notification to Parents of Exceptional Children
 226.525 Parental Consent
 226.530 Parental Objection
 226.532 Determination of Communication Mode(s) and Cultural Background
 226.535 Case Study Evaluation Components
 226.538 Incomplete Case Study Evaluation
 226.540 Case Study to be Nondiscriminatory
 226.542 Use of Outside Study
 226.544 Independent Educational Evaluation
 226.545 Home/Hospital Services Eligibility
 226.548 Speech and Language Case Study Conclusions
 226.550 Formulation of Program and Service Options
 226.552 Characteristics Determining Eligibility for Special Education

226.555 Determination of Recommendations for Special Education and Related Services Eligibility
 226.558 Results and Recommendations to be in Writing
 226.560 Development of IEP and Placement Decision
 226.562 IEP Content and Parental Access
 226.564 Authority of School Board to Place Students
 226.566 Completion to be in 60 School Days
 226.568 Notice to Parents Before Placement
 226.570 Parents' Response to Notice of Proposed Placement
 226.572 Parents' Objection to Proposed Placement (Repealed)
 226.575 Timeline for Placement
 226.578 Annual Review of Child Status
 226.580 Notice to Parents Regarding Evaluation
 226.585 Written Notice to Parents
 226.590 Written Notice to Parents Prior to Change in Placement
 226.595 Termination of Special Education Services

SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

Section
 226.605 Request for Level I Hearing
 226.610 Information to Parents Concerning Right to Hearing

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

226.612 Request for Hearing To Be Made to Superintendent (Repealed)

226.615 Request for Hearing

226.620 Denial of Hearing Request (Repealed)

226.622 Qualifications of Level I Hearing Officers

226.625 Selection of Level I Hearing Officer

226.630 Purpose of Hearing (Repealed)

226.631 Removal of Registered Hearing Officers (Repealed)

226.632 Scheduling the Hearing

226.635 Hearings Open to Public and to Child Who is Subject (Repealed)

226.636 Rights of the Parties Prior to the Hearing

226.640 Rights of the Parties During the Hearing

226.640 Hearing Concerning Any Other Controversy (Repealed)

226.650 Local School District's Responsibility (Repealed)

226.655 Cross-Examination (Repealed)

226.660 Rules of Evidence Not Applicable (Repealed)

226.665 Record of Proceedings

226.670 Decision of Hearing Officer

226.675 Filing of an Appeal

226.680 Filing of Administrative Record

226.682 Placement of the Child Pending Completion of a Level II Review

226.684 State Level Review (Repealed)

226.685 Oral Arguments and Extensions of Time

226.688 Timeliness and Finality of Reviewing Officer's Decision

226.690 Monitoring and Enforcement of Decisions; Right of Civil Action; Notice of Funding Ineligibility

226.692 Reporting of Decisions

226.695 Enforcement of State Superintendent's Decision (Repealed)

226.698

SUBPART K: SURROGATE PARENTS

Section

226.710 Surrogate Parents

226.710 Contacting Parents of Child

226.720 Appointment of Surrogate Parent

226.730 Notice to School District Concerning Surrogate Parent

226.740 Expenses for Surrogate Parent

226.750 Notification that Surrogate Parent is Not Needed

226.760 Replacement by Natural Parent

226.770 Immunity of Surrogate Parent

226.780

SUBPART L: SPECIAL EDUCATION PERSONNEL

Section

226.810 Employment of Sufficient and Trained Personnel

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

226.820 Qualifications of Professional Instructional Personnel

226.830 Qualifications of Other Professional Personnel

226.840 Qualifications of Directors and Assistant Directors

226.850 Qualifications of Supervisory Personnel

226.860 Qualifications of Chief Administrator

226.870 Necessary Noncertified Personnel

226.880 Function of Special Education Personnel

226.890 Personnel Development Program

SUBPART M: SPECIAL TRANSPORTATION

Section

226.910 Eligibility for Transportation

226.920 Vehicles Used

226.930 Training of Personnel

226.935 Provision for Transportation

226.938 Change in Mode of Transportation

226.940 Scheduling of Transportation

226.950 Transportation and Instructional Schedule

226.960 Transportation to a Residential School

SUBPART N: EVALUATION OF SPECIAL EDUCATION

Section

226.1010 Evaluation By State Board

226.1020 Bases of Evaluation

226.1030 Elements of State Board Evaluation

226.1040 Availability of State Board Evaluation

226.1050 Effect of Evaluation on School District

SUBPART O: SPECIAL EDUCATION SERVICES FOR CHILDREN IN RESIDENTIAL CARE FACILITIES

Section

226.1110 Equal Access for Children in Residential Care Facilities

226.1112 Definitions from Section 14-7.03

226.1115 Exclusions When Implementing Section 14-7.03

226.1120 Enrollment in District Required

226.1125 Requirements for Educational Program on Site of Orphanage or Children's Home

226.1130 Approval of Special Education Program at Orphanage or Children's Home

226.1135 Least Restrictive Environment

226.1140 IEP for All Children

226.1145 Compliance With This Part Subject to State Board of Education Evaluation

226.1150 Criteria for Eligibility of Children

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

226.1155 Resident Children Eligible for All Privileges
 226.1160 Local District Policies Applicable
 226.1170 Communications Regarding Child's Special Education
 226.1175 Reimbursement
 226.1180 Possible Waiver of Sections 226.1120 and 226.1150
 226.1185 Computation of District's Reimbursement
 226.1190 Preapproval Application
 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/14-1.01 et seq. and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at — Ill. Reg. —, effective —.

NOTE: Capitalization denotes statutory language.

SUBPART A: DEFINITION OF TERMS

Section 226.5 Terms Defined

"Assistive Technology Device" means any item, piece of equipment, or set of related products, however acquired or modified, that is used to increase, maintain, or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

improve the functional capabilities of children with disabilities.

"Assistive Technology Service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes

The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;

Coordinating and using other therapies,

interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

"Case Study" shall be defined as a series of indepth multidisciplinary diagnostic procedures, conducted within an established time frame and designed to provide information about the child, the nature of the problems which are or will be affecting his/her educational development, and the type of intervention and assistance needed to alleviate these problems.

"Consent" means the parent(s)

has been informed of all necessary information

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

understands and agrees in writing to carrying out the activity for which consent is sought

understands that the granting of consent is voluntary on his or her part and may be revoked at any time.

"Continuum of Alternative Placements" means the availability of different types of educational environments, for example: regular classes, resource room classes, self-contained classes, day and residential special schools, home instruction, hospital instruction, and institutional instruction, and community and other settings.

"Counseling Services" means services provided by qualified personnel such as: social workers, psychologists, guidance counselors, or other qualified personnel.

"Exceptional Children" means all children designated in Article 14 of ~~the~~ the School Code. These children may exhibit handicapping or exceptional characteristics ranging from very mild to very severe.

"Individualized Education Program (IEP)" means a written statement for an exceptional child that provides at least a statement of: the child's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services; the extent of participation in the regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives.

"Instructional Programs" means those activities which provide the principal elements of the exceptional child's educational development at any given time. These activities may include any or all of the following:

evaluation of the nature of the child's educational needs

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

amelioration of and compensation for visual, auditory, physical, speech or other impairments development of language concepts and communication skills

educational experiences which are adjusted in content, emphasis, rate or location

modification of social skills or emotional adjustment.

For the purpose of this Part, an instructional program shall be considered as one in which the exceptional child spends 50% or more of his/her school day.

"Language Use Pattern" means the language or combination of languages which the child uses to conceptualize and communicate those conceptualizations.

"Least Restrictive Environment" means to the maximum extent appropriate, handicapped children are educated with nonhandicapped children. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap requires that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"Multidisciplinary Conference" means deliberation among appropriate persons for the purpose of determining eligibility for special education, developing recommendations for special education placement, reviewing educational progress, or considering the continuation or termination of special education for an individual child.

"Parent" means the natural or adoptive parent, a guardian, a person acting as a parent of a child, or surrogate parent who has been appointed by the State Board of Education.

"Parent Counseling and Training" means procedures utilized in assisting parents in understanding the special needs of their child and in providing parents with information about child development.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Psychological Evaluation" means an individual evaluation of the child's functioning in the cognitive, psychomotor, social/emotional, and academic achievement or aptitude areas using appropriately validated formal and informal tests and evaluation material.

"Qualified Specialist" means those professional special education personnel who meet either the certification or approval requirements described in Subpart L of this Part.

"Reevaluation" means a series of diagnostic procedures which are performed in accordance with Section 226.535 for the purpose of determining a child's continued eligibility for special education.

"Referral" means a formal procedure, established by the local school district, by which a case study evaluation may be requested.

"Rehabilitation Counseling Services" means services provided by qualified personnel in individual or group sessions that focus on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

"Related Services" means the developmental, corrective, and other supportive services which are required to assist a handicapped child to benefit from special education. Such services include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling and rehabilitation counseling services, and medical services for diagnostic or evaluation purposes. The term also includes transportation, school health services, social work services, and parent counseling and training.

"Resource Programs" means specialized educational instructional services which are provided to the child for less than 50% of his or her school day.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"School Days" means those days on which school is officially conducted during the regularly established school year. (See Ill. Rev. Stat., ch. 122, Sec. 10-19 Section 10-19 of the School Code [105 ILCS 5/10-19].)

"School Health Services" means services provided by a qualified school nurse or other qualified persons.

"Screening" means the process of reviewing all children in a given group with a set of criteria for the purpose of identifying certain individuals for evaluations who may be in need of special education.

"Social Developmental Study" means a compilation and analysis of information concerning those life experiences of the child, both past and present, which pertain to the child's problems and/or to the possible alleviation of those problems.

"Special Education" means those instructional and resource programs and related services, unique materials, physical plant adjustments, and other special educational facilities, such as instruction in other settings, described or implied in Article 14 of the School Code which, to meet the unique needs of exceptional children, modify, supplement, support, or are in the place of the standard educational program of the public schools. The term includes speech pathology and vocational education.

"Special Education Placement" means the provision of specified public special education services, including and limited to a special education instructional program, resource program, special education related services, speech and language services, homebound services, hospital services, referral to a nonpublic program or a state-operated facility.

"Special School" means an educational setting which is established by the local school district exclusively to meet the needs of exceptional children.

"Special Transportation" means those transportation services which are required because of the child's exceptional characteristics or the location of the special education program or related services, and which are in addition to the regular transportation services provided by the local school district.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Standard Education Program" means the educational program generally offered by the local school district to the majority of its students.

"Staff Conference" see definition of Multidisciplinary Conference in this Section.

"Surrogate Parent" means a person who acts in the educational behalf of an exceptional child, in accordance with Subpart K of this Part.

"Transition Services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The plan for these must be based on the individual student's needs, preferences, and interests; address instruction, community experiences, the development of employment and other post-school adult living objectives, acquisition of daily living skills, and functional vocational evaluation; and identify the positions and agency affiliations of the persons responsible for the delivery of the services designated.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

SUBPART I: IDENTIFICATION, EVALUATION AND PLACEMENT OF
EXCEPTIONAL CHILDREN

Section 226.535 Case Study Evaluation Components

The child shall be given a case study evaluation appropriate to the nature of the problems which caused the referral. The intensity of the evaluation procedures shall be determined by the complexity of the child's problems and the amount of information necessary to understand those problems and develop the IEP in accordance with Section 226.560, 226.555, and 226.5.

- a) For the child who requires special education placement at home or in a hospital because of a temporary physical or health impairment, estimated to last six months or less, a homebound services case study evaluation shall be conducted, and an IEP developed.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

This evaluation shall include, but need not be limited to:

- 1) Evaluation of the physical or health impairment by a licensed medical physician, for diagnostic and evaluative purposes.
- 2) Estimation by the physician of the time the child will require homebound services.
- 3) A review of the child's current educational status and academic needs.

b) For the child whose problems seem to be limited to the area of speech or language, a speech and language case study evaluation shall be conducted and an IEP developed. This evaluation shall include, but need not be limited to:

- 1) A hearing screening completed at the time of the evaluation or within the previous six months
- 2) A review of the child's medical history and current health status
- 3) A review of the child's academic history and current educational functioning
- 4) An assessment of the child's speech and language by a certified speech and language clinician
- 5) An interview with the child. The speech or language impaired child with additional handicapping conditions or educational deficits shall be referred for further evaluation.

c) For all other children, a comprehensive case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

- 1) An interview with the child
- 2) Consultation with the child's parents
- 3) A social developmental study, including an assessment of the child's adaptive behavior and cultural background

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) A report regarding the child's medical history and current health status
- 5) A vision and hearing screening, completed at the time of the evaluation or within the previous six months
- 6) A review of the child's academic history and current educational functioning
- 7) An educational evaluation of the child's learning processes and level of educational achievement
- 8) An assessment of the child's learning environment
- 9) Specialized evaluations specific to the nature of the child's problems.
 - A) A psychological evaluation by a certified school psychologist, with the extent to be determined by the individual situation, shall be required:
 - i) In order to place any child in a special education placement for children with mental impairment ~~(Ill. Rev. Stat. 1981 Ch. 122, par. 14-8.0)~~ [105 ILCS 5/14-8.01].
 - ii) In order to place any child in a special education instructional program.
 - iii) In order to place any child in a special education placement for children with behavior disorders.
 - iv) In order to place any child where there are questions about his or her intellectual functioning and/or learning capacity.
 - v) In order to determine any child eligible for special education and related services due to the disability of autism.
- ~~vi)~~ vii) A psychological evaluation for all other children shall be considered optional.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~vii)~~ viii) As appropriate, the psychologist may limit this evaluation to a review of the results of tests administered by other school district personnel and/or the results of externally administered evaluations, an analysis of the learning environment and learning processes, participation in the multidisciplinary conference and such other procedures as deemed necessary.
- B) An appropriate medical examination by a physician licensed to practice medicine in all of its branches shall be obtained, for diagnostic and evaluative purposes, for any child with either a suspected physical, health, vision or hearing impairment. This examination shall be conducted at no cost to the parent. Nothing in these regulations shall be construed to require any child to undergo any physical examinations or medical treatment whose parents or guardian object thereto on the grounds that such examinations or treatment conflicts with his or her religious beliefs.
- C) A certified speech and language clinician shall administer a comprehensive evaluation for any child suspected of having a speech or language impairment.
- D) For all children other specialized evaluations appropriate to the nature of the child's problems shall be provided at no cost to the parents. When specialized evaluation procedures not usually provided by the local school district are required to provide a better understanding of the child's educational or educationally related problems, the local school district recommending such evaluation procedures shall be responsible for assisting the parents in locating and making use of appropriate local and/or state resources.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- i) Consideration shall be given to resources of state agencies or third party payors.
 - ii) The child may not be prohibited from receiving a special education program or service because he or she is financially or otherwise unable to obtain specialized evaluation procedures.
- E) An audiological evaluation appropriate to the needs of the child shall be provided by an audiologist when necessary.
- F) If the parent disagrees with an evaluation obtained by the local school district, the district shall inform the parent of the opportunity to obtain an independent evaluation at public expense.
- i) In such cases, the local district may initiate an impartial due process hearing prior to such independent evaluation to demonstrate that the district's evaluation is appropriate.
 - ii) If the final decision is that the local district's evaluation is appropriate, the parent shall have the right to an independent evaluation, but not at public expense.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 226.552 Characteristics Determining Eligibility for Special Education

Eligibility for special education programs and services shall be determined by the presence of one or more of the following exceptional characteristics:

- a) Visual impairment - The child's visual impairment is such that the child cannot develop his or her educational potential without special services and materials.
- b) Hearing impairment - The child's residual hearing is not sufficient to enable him or her to understand the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

spoken word and to develop language, thus causing extreme deprivation in learning and communication. Or the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning achievement.

- c) Physical and health impairment - The child exhibits a physical or health impairment, either temporary or permanent, which interferes with his or her learning and/or which requires adaptation of the physical plant.
- d) Speech and/or language impairment - The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development.
- e) Specific learning disability - The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

f) ~~Education handicap - After September 1, 1991, no child may be identified pursuant to this Part as educationally handicapped. Children identified under this characteristic prior to September 1, 1991, must be reevaluated and their eligibility for continued services under any other exceptional characteristic listed here determined. Disagreements regarding this determination shall be a basis for requesting an impartial due process hearing as delineated in Subpart d.~~

- f) ~~g~~ Behavior disorder/emotional disorder - The term means a condition exhibiting one or more of the following characteristics over an extended period of time and to a marked degree, which adversely affects educational performance, even after supportive assistance has been

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

provided. The student must demonstrate an inability to learn which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors; an inability to develop or maintain satisfactory interpersonal relationships with peers and adults; or inappropriate types of behavior or feelings under normal circumstances; or a general pervasive mood of anxiety, unhappiness, depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.

g) ~~h~~ Mental impairment - The child's intellectual development, mental capacity, adaptive behavior, and academic achievement are markedly delayed. Such mental impairment may be mild/moderate, severe, or profound.

h) ~~i~~ Multiple impairment - The child exhibits two or more impairments, severe in nature or total impact, which significantly affect his or her ability to benefit from the educational program.

i) ~~j~~ Autism - The term means a developmental disability significantly affecting verbal and nonverbal communication and social interactions, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has a behavior disorder/emotional disorder, as defined in subsection (f) of this Section.

j) ~~k~~ Traumatic brain injury - The term means an acquired injury to the brain that adversely affects a child's educational performance. A traumatic brain injury is one which is caused by an external physical force and occurs after the perinatal period; it is not medically degenerative or congenital. The student must demonstrate impairment in one or more of the following areas:

1) ~~l~~ cognitive functioning (attention, concentration, intelligence, memory, problem-solving, abstract reasoning, judgment, and information-processing);

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~a~~ communication (receptive and expressive language and speech);
- 3) ~~b~~ social/emotional (relationships, self-esteem, self-control, age-appropriate behavior);
- 4) ~~c~~ sensory/perceptual (visual, auditory, kinesthetic, tactile, visual-motor integration);
- 5) ~~d~~ motor (balance, equilibrium, fine and gross motor, spatial orientation, speech, speed and coordination of movement, strength);
- 6) ~~e~~ adaptive behavior (daily living skills, socialization, coping skills).

k) ~~l~~ Developmental delay - The term means one or more disabilities as defined in this Section for children aged 3-5 experiencing delay in at least one of the following domains: physical development, cognitive development, communication development, social and emotional development, or adaptive development.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 226.560 Development of IEP and Placement Decision

If a multidisciplinary conference was held for the purpose of determining eligibility, an additional meeting or meetings must be held for the purpose of developing, reviewing, and/or revising the exceptional child's IEP and determining placement based upon the IEP. For children ages 3 to 5, an Individualized Family Service Plan (IFSP) developed pursuant to 34 CFR 303.340 et seq. may be used at the discretion of the local school district and with concurrence of the parents in lieu of development of an IEP pursuant to this Section and Section 226.562. The meeting at which an exceptional child's IEP is developed must be held within thirty (30) days of a determination that the child is eligible for special education and related services.

a) ~~b~~ Parents of an exceptional child must be notified of the meeting to develop, review, and revise an exceptional child's IEP. The local school district must take steps to insure that the parents of an exceptional child are present at each meeting or are afforded the opportunity to participate, including:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Notifying parents of the meeting early enough to insure that they will have an opportunity to attend; and
- 2) Scheduling the meeting at a mutually agreed on time and place.
- 3) The notice must indicate the purpose, time and location of the meeting, and who will be in attendance.
- b) The following participants must be included in the IEP meeting:
 - 1) A representative of the local district, other than the child's teacher, who is authorized to commit services and who is qualified to provide or supervise the provision of special education.
 - 2) The child's teacher. Teacher organization representatives may not attend without parental and district consent.
 - 3) One or both of the child's parents or guardians.
 - A) If neither parent can attend, the local district shall use other methods to insure parent participation, including individual or conference telephone calls.
 - B) A meeting may be conducted without a parent in attendance if the local district is unable to convince the parents that they should attend. In this case the local district must have a record of its attempts to arrange a mutually agreed on time and place such as:
 - i) Detailed records of telephone calls made or attempted and the results of those calls⁷⁻¹
 - ii) Copies of correspondence sent to the parents and any responses received, and
 - iii) Detailed records of visits made at the parent's home or place of employment and the results of those visits.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) The child, where appropriate, except that any student who will be 14 1/2 or older during the school year must be invited, since one purpose of the IEP meeting must be to consider transition services. When the student does not attend, the local district shall take other steps to ensure that the student's preferences and interests are considered. For students who will not reach age 14 1/2 during the school year, if transition services are discussed at an IEP meeting that does not include the student, the local district is responsible for insuring that an IEP meeting to which the student is invited is conducted before a decision is made regarding transition services for that student.
- 5) Other individuals at the discretion of the parent or local district.
- 6) A representative of any other agency that is likely to be responsible for providing or paying for transition services, when a purpose of the meeting is to consider transition services. If an agency invited to send a representative does not do so, the local district shall take other steps to obtain the participation of the agency in the planning of any transition services.
- c) For an exceptional child who has been evaluated for the first time, the local district shall insure that a member of the evaluation team participates in the meeting or that the representative of the local district, the child's teacher, or some other person who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation, participates in the meeting, as well as an interpreter for the deaf if necessary.
- d) Recommendations for special education placement shall be based on the following, consistent with Section 226.550(b)(4):
 - 1) The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the student's interaction with nonhandicapped children.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) The special education placement must be based on the child's IEP, and located as close as possible to the child's home.
- 3) Unless a handicapped child's IEP requires some other arrangement, the child must be educated in the school which he or she would attend if not handicapped.
- 4) Consideration must be given to any potentially harmful effect on the child, or the quality of services which he or she needs.
- e) The proposed placement shall be consistent with the findings of the case study evaluation.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 226.562 IEP Content and Parental Access

- a) The IEP shall include, but is not limited to, the following:

- 1) A statement of the child's present levels of educational performance⁷.
- 2) A statement of annual goals, including short-term instructional objectives⁷.
- 3) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs. Related services shall not include those services provided by licensed physicians, except for their diagnostic or evaluation services and consultation to education staff; licensed dentists except for diagnosis or evaluation and consultation to education staff; physician extenders; registered or licensed practical nurses, except as they are performing the function of a school nurse; and other medical personnel involved in the provision of ongoing medical care.

- 4) For students who will be 14 1/2 years of age or older during the school year, and for students under age 14 1/2 when determined appropriate, a statement of any transition services needed.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

including a statement of each participating school district's or agency's individual and cooperative responsibilities before the student leaves the school setting. If the IEP team determines that services are not needed, the IEP must include a statement to that effect and the basis upon which the determination was made.

- 5) A statement of the child's ability to participate in assessments and what accommodations are necessary, if any. If the child is unable to participate even with accommodations, a description of the alternative assessment(s) to be used must also be included.

- 6) 4) The projected dates for initiation of services and the anticipated duration of the services; and

- 7) 5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

- b) The local district shall give the parent, on request, a copy of the exceptional child's IEP.

- c) Following the determination of the child's IEP, parents shall be afforded, on an ongoing basis, reasonable opportunity for comment on and input into their child's educational program.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 226.575 Timeline for Placement

Special education placement shall be made as soon as possible after the determination of eligibility and need for such placement but in no case shall placement occur later than the beginning of the next school semester [105 ILCS 5/14-8.02].
~~Ill. Rev. Stat. 1981, ch. 122, par. 14-8.02~~

- a) Each child referred for a case study evaluation at least sixty (60) school days prior to his or her third birthday must have a determination as to eligibility and any resulting IFSP or IEP as set forth in Section 226.560 of this Part ready to implement by the third birthday.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

b1) Each child determined pursuant to 34 CFR 303.300 to be eligible for services under Part H of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1401 et seq.) must be referred to his or her public school district for case study evaluation for services under Part B of IDEA at least 60 school days prior to his or her third birthday.

c1) ~~a1)~~ When special education placement is not possible prior to the next school semester, the local school district shall be responsible for providing interim services between placement determination and actual placement which are as appropriate to the child's needs as possible.

d1) ~~b1)~~ The local school district shall provide written notification to the parents of the child and the State Superintendent of Education regarding the nature of the services the child will receive in the interim. Written verification of the provision of these services shall be kept in the child's temporary student record.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

Section 226.682 Filing of Administrative Record

a) Within ten (10) calendar days of receipt of the notice of appeal, the district shall transmit to the State Board of Education, attention Legal Department, ~~State 14-300, 100 West Randolph, Chicago, Illinois 60601~~ 100 North First Street (W-475), Springfield, Illinois 62777-0001, a complete administrative record of the Level I hearing, which shall include:

- 1) a transcript of the hearing with an index of witnesses' testimony;
- 2) records and reports presented at the hearing, with index; and
- 3) other exhibits and materials presented at the hearing, with index.

b) The district shall simultaneously also send a copy of the administrative record to the parents and shall retain a copy. The administrative record sent to the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

State Board of Education and the parents shall be sent by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered. Upon receipt of the administrative record, the State Board of Education shall immediately send it by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered, together with the appeal request, to the reviewing officer who was selected by the parties.

c) Failure by the district to ~~mail~~ send the administrative record to the State Board of Education within ten (10) calendar days after the date the district files an appeal request or receives a copy of the other party's appeal request shall constitute an undue delay of the appeal. In such event, the parents may request by written certified mail to the reviewing officer, with a copy sent to the district and to the State Board of Education, within fifteen (15) calendar days after the date the parent files an appeal request or receives a copy of the district's appeal request, that the reviewing officer find the district to be in default and enter a ruling granting the parents the relief requested. The district shall have three (3) days from receipt of the request to respond in writing to the request for a default ruling. The reviewing officer shall review the request and the response. The reviewing officer may grant such request in whole or in part and order the relief upon finding the district in default for failing to file the record in a timely manner.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3) Sections Numbers: 125.425
Proposed Action:
Amended
- 4) Statutory Authority: Implements Section 9-23 and authorized by Sections 1A-8(9) and 9-15(3) of the Election Code (10 ILCS 5/9-23, 1A-8(9) and 9-15(3)).
- 5) A Complete Description of the Subjects and Issues Involved:
125.425 - Waives monetary penalties otherwise due under the rule from committees who have filed late campaign finance reports in violation of a prior Board order for committees whose reports arrive in envelopes bearing a post-mark at least five days in advance of the due date of the report.
- 6) Will this proposed rule replace an emergency rule currently in effect? NO
- 7) Does the rulemaking contain an automatic repeal date? NO
- 8) Do these proposed amendments contain incorporations by reference? NO
- 9) Are there any other proposed amendments pending on this Part? NO
- 10) Statement of Statewide Policy Objectives:

To mitigate the effects of the rule on committees which have demonstrated a reasonable attempt to comply with 26 Ill. Adm. Code 125.425 and a prior Board order applicable to them, but which are prevented from doing so solely because of slow mail delivery.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

State Board of Elections
A. L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100
Chicago, IL 60601
(312) 814-6477

or at Public Hearings to be held on May 20, 1994 at the principal office of the State Board of Elections, 1020 S. Spring Street, Springfield, Illinois, and on June 3, 1994 at the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois. Please contact the Board's offices for verification of hearing, time, room and date.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 22, 1994
- B) Types of Small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 125
PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses
125.197	Admission of Business Records in Evidence
125.199	Compelling Appearance at Hearing

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section	
125.210	Applicability
125.220	Commencement of Proceeding
125.230	Form of Complaint
125.235	Board Members as Complainants
125.240	Service of Complaint
125.245	Appointment of Examiner - Order of Closed Preliminary Hearing
125.250	Time of Preliminary Hearing (Repealed)
125.252	Scope of Preliminary Hearing - Procedures - Evidence
125.253	Responsibilities of the General Counsel
125.254	Stipulated Settlement
125.255	Transcript of Preliminary Hearing (Repealed)
125.260	Report of Hearing Examiner (Repealed)
125.262	Board Determination
125.265	Judicial Review
125.270	Record of Preliminary Hearing on Appeal Administrative Review
125.272	Order of Public Hearing
125.275	Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section	
125.310	Applicability
125.320	Initiation of Hearings
125.330	Appointment of Hearing Examiner
125.340	Notice of Hearing
125.350	Discovery Procedures
125.360	Subpoenas
125.370	Transcript of Proceedings
125.380	Official Record
125.390	Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section	
125.410	Hearing Examiners Report
125.420	Order of the Board; Civil Penalties
125.425	Civil Penalty Assessments
125.430	Enforcement Actions in the Circuit Court
125.440	Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section
 125.510 Applicability (Repealed)
 125.520 Staff Review and Enforcement of Reporting Requirements
 125.530 Compliance Conference
 125.540 Staff Initiated Complaint (Repealed)
 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section
 125.610 Applicability
 125.620 Adoption of Rules or Regulations
 125.630 Non-Adjudicative Hearings
 125.640 Notice of Hearing
 125.650 Conduct of the Hearing
 125.660 Examination of Witness
 125.670 Record
 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section
 125.710 Advisory Opinions
 125.720 Reconsideration of Advisory Opinions
 125.730 Public Availability of Advisory Opinions
 125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

Section
 125.810 Ex Parte Communications
 125.820 Effective Date
 125.830 Interpretation
 125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code (Ill. Rev. Stat. 1991, ch. 46, pars. 1A-8(9), 9-15(3), 9-21 and 9-23).

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at _____ Ill. Reg. _____, effective _____.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Section 125.425 Civil Penalty Assessments

- a) As used in this Section, "authorizing candidate" means any candidate who has at any time during the reporting period for the report in question or prior thereto filed with the committee an authorization in accordance with Section 9-8 of the Election Code.
- b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.
- c) If the report continues to be delinquent, and if the political committee is currently under stipulation, it is subject to an increasing civil penalty as provided herein, until received by the Board.
- d) When a report is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent state, state and local, and local political committee. Notice of delinquency shall also be sent to any candidate listed by name on that committee's Statement of Organization. If a delinquent state, state and local, or local political committee is currently under stipulation, such notice shall state that a fine is being assessed for each late day.
- e) Upon receipt of a delinquent campaign disclosure report, the Board shall send by certified mail to all delinquent political committees not currently under stipulation, a partially completed stipulation and agreed order for signature. The Board shall file a complaint against any such political committee failing to return such properly completed stipulation within 30 days of the mailing of the stipulation or within 10 days after the political committee's acceptance of same. If a political committee is currently under stipulation the Board will:

- 1) Calculate the initial civil penalty for each day of delinquency as follows:
 - A) If its total receipts, total expenditures, and the balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000.00 or less, and if the delinquent report is not a pre-election report, the political committee shall be assessed a fine of \$25.00 per business day for the first violation of a stipulation, \$50.00 per business day for the second violation, and \$75.00 per business day for the third and each

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- subsequent violation;
- B) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000.00, and if the delinquent report is not a pre-election report, the political committee shall be assessed a fine of \$50.00 per business day for the first violation of a stipulation, \$100.00 per business day for the second violation, and \$200.00 per business day for the third and each subsequent violation;
- C) If its total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000.00 or less and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100.00 per business day for the first violation of a stipulation, \$200.00 per business day for the second violation, and \$300.00 per business day for the third and each subsequent violation; or
- D) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due, exceeds \$5000.00, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200.00 per business day for the first violation of a stipulation, \$400.00 per business day for the second violation, and \$600.00 per business day for the third and each subsequent violation; and
- 2) Mail to the chairman and the treasurer of the political committee, as well as to any candidate listed by name on that committee's current Statement of Organization, notice of the civil penalty assessed against the political committee and include therewith:
- A) a statement of the amount of the assessed penalty;
- B) a request for hearing form;
- C) an appeal affidavit form; and
- D) a request for waiver of appearance form.
- f) A political committee assessed a civil penalty for being delinquent in filing a required report may:
- 1) submit, within 30 days of the mailing of the

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- assessment notice described in subsection (e) (2) of this Section, a request for waiver of appearance and appeal affidavit in the form provided by the Board stating the reasons for requested waiver of appearance and the reasons for the late filing to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 1-109); or
- 2) submit within 30 days of the mailing of the assessment notice described in subsection (e) (2) of this Section, a request for hearing and appeal affidavit in the form provided by the Board stating the reasons for the late filing to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 1-109); or
- 3) pay, within thirty (30) days of the mailing of the assessment notice described in subsection (e) (2) of this Section, the civil penalty assessed.
- g) If a political committee subject to a civil penalty assessment for the late filing of a campaign disclosure report fails, within the time required, to submit a request for hearing and appeal affidavit, to submit a request for waiver of appearance and appeal affidavit, or to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 (Ill. Rev. Stat. 1991, ch. 15, pars. 151 et seq.). The Board shall not hear an appeal if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.
- h) A request for waiver of appearance and appeal affidavit in the form provided by the Board, timely filed within thirty (30) days of the mailing of the assessment notice described in subsection (e) (2) of this Section with the Board, if denied at the next meeting of the Board occurring at least seven (7) days after receipt of said request and affidavit, will be considered at the then

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

next following regular date, time and location of said meeting. Each said request and affidavit will be considered at the then next following regular meeting, upon written notice to the political committee specifying the date, time and location of said meeting. Each said request and affidavit shall be receipted by the Board to the political committee filing same, with said receipt to contain the date of receipt and the date, time and location of the next regular meeting of the Board occurring at least seven (7) days after the receipt of said request and affidavit. At that following meeting, either the chairman, the treasurer or, an authorizing candidate of the political committee, shall be present in person. If such a representative of the political committee is not present, the appeal shall be denied.

i) A request for hearing and appeal affidavit form timely filed with the Board within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section will be considered at the next regular meeting of the Board occurring at least seven (7) days after receipt of said request and affidavit. Each said request and affidavit shall be receipted by the Board to the political committee filing same, with said receipt to contain the date of receipt, and the date, time and location of the next regular meeting of the Board occurring at least seven (7) days after the receipt of said request and affidavit. If neither the chairman, the treasurer, nor, an authorizing candidate of the political committee is present at the requested hearing, the appeal shall be denied.

j) If the political committee's appeal is:

1) denied by the Board, the Board will require that the civil penalty originally assessed be paid within thirty (30) days after the date of the hearing;

2) if the appeal is accepted by the Board, the Board will waive the civil penalty assessment, provided that the Board may waive the fine only if the political committee can present documentation proving that it did file the report in question on time. Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.

k) Any party adversely affected by a final order of the Board may file a written motion to reconsider the order pursuant to Section 125.440. A timely motion for

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

rehearing extends the period in which the respondent may pay the fine, unless the motion is heard and decided within the 30 day period, until the motion is heard and decided. A motion for rehearing does not toll the running of the 30 day period except to the extent that it is necessary to hear and decide the motion.

l) Any authorizing candidate, treasurer, or chairman paying an assessed civil penalty may, upon request to the political committee be reimbursed such amount from funds of the political committee, if and when such funds become available.

m) The Board shall extend the stipulation and agreed order for an additional twelve month period, measured from the date of violation of the stipulation and agreed order, for each committee assessed a late fine.

n) The civil penalty for a single violation may not exceed \$1,000.00; provided that each report which is not timely and properly filed by a political committee shall be a separate single violation.

o) No provision of this or any other rule of the State Board of Elections to the contrary withstanding, the Board will abate any monetary penalty that would otherwise arise submitted in violation of this rule if the untimely report arrives at the office of the State Board of Elections bearing a postmark not less than 5 days prior to the date the report is actually due in the office of the Board.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) Section Numbers:
1770.170
1770.190
- 4) Statutory Authority: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.2) [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.
- 5) A Complete Description of the Subjects and Issues Involved. The proposed amendment provides that Lotto grand prizes will not exceed the guaranteed grand prize amount, as determined by the Director prior to each drawing based on estimated sales and securities prices; provides for a guaranteed prize amount for little lotto and other pari-mutuel games offered by the Department; updates the documentation required for prizes necessitating tax reporting (prizes of \$600 or more); and corrects various typographical errors.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be directed to Lisa A. Crites, Rules Coordinator, Illinois Lottery, 201 East Madison, Springfield, IL 62702.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None.
 - B) Reporting, bookkeeping or other procedures required for compliance: None.
 - C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE C: LOTTERY
CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770
LOTTERY (GENERAL)

Section	Definitions
1770.10	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.20	Special Licenses
1770.30	License Revocation Without Prior Notice
1770.40	License Revocation, Suspension or Denial With Prior Notice
1770.50	Conditions of Licensing
1770.60	License to be Displayed
1770.70	Change of Name, Ownership, or Form of Business Organization
1770.80	Delinquent Financial Obligations
1770.90	Bonding of Agents
1770.100	License Expiration and Renewal
1770.110	Agent Financial Adjustments
1770.120	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.130	Sales by Department Directly
1770.140	Sales, Inspection, Compensation, and Ticket Purchases
1770.150	Lottery Tickets
1770.160	Lottery Games
1770.170	Drawings
1770.180	Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.190	Eligibility to Buy
1770.200	Sale of Promotional Items
1770.210	

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.2) [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 1770.170 Lottery Games

- a) The Director may authorize instant ticket games in which winners are determined by matching certain of the numbers, letters, characters, words or devices as provided by the rules of the game. Instant game rules may also provide for preliminary and grand prize drawings. Preliminary drawings will be conducted at the Lottery Central offices to determine semifinalists for Grand Prize drawings. Preliminary drawings will be from those tickets or shares eligible for entry into the preliminary drawing and submitted to the Department as part of the preliminary drawing pool in such manner and by such deadline as may be provided by departmental directive.

ILLINOIS REGISTER
DEPARTMENT OF THE LOTTERY
NOTICE OF PROPOSED AMENDMENTS

Preliminary drawings shall be open to the public and notice of such drawings shall be posted in the State of Illinois Center in the City of Chicago and the Department's Central offices in the City of Springfield, Illinois, at least five days prior to such drawing. Grand prize drawings shall be conducted pursuant to the rules of the game, and copies of written procedures to be followed at Grand Prize drawings will be furnished each finalist prior to a drawing.

b) The Department may offer passive lottery games wherein tickets bear pre-assigned numbers or words. Winners in such games shall be determined either by the results of future events or by publicly held drawings wherein randomly drawn numbers are selected and tickets with numbers matching those drawn shall entitle the ticket holder to the prize indicated on the ticket and in accordance with the prize structure established by the game rules.

c) The Department may offer computer operated games where players are permitted to purchase tickets bearing player selected numbers for drawings which are regularly scheduled in accordance with game rules. With respect to such games, the Director shall conduct drawings using air-driven or gravity selection equipment (including but not limited to, devices utilizing air-driven ball selection, gravity mixing chamber ball selection, spinning wheel and ball selection or similar equipment, and utilizing either hollow or solid balls appropriate to the type of equipment utilized). Drawings shall be by random selection in the presence of a certified public accountant who will monitor the integrity of the drawing procedure. Players holding tickets with numbers corresponding to those drawn in the several games shall be entitled to prizes in the amounts set forth in game rules to be established by the Director, provided that:

1) Prizes awarded in connection with the ~~pari-mutuel~~ game commonly known as "Lotto" or any variation thereon by any name otherwise designated, shall be awarded as follows:

A) Grand prizes shall be determined by the Director prior to each drawing based upon an estimate of ticket sales and securities prizes, and the grand prize paid shall not exceed the amount so determined;

B) Second and third prizes shall be awarded on the basis of the prize pool available, in accordance with the prize structure established by game rule.

2) For prizes awarded in connection with the pari-mutuel game known as "Little Lotto" or any variation thereon by any name otherwise designated, and for such other pari-mutuel games as may be offered by the Department, the prize pool for each level of prize offered per drawing will be expressed as a percentage of total ticket sales for the drawing, unless guaranteed at a higher amount determined by the Director.

(Source: Amended at 18 Ill. Reg. _____, effective _____)
Section 1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund

a) The prize structure may vary with each game and will be established at the beginning of the game by the Director. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.

b) Claims for all prizes as designated in game rules and directives

ILLINOIS REGISTER
DEPARTMENT OF THE LOTTERY
NOTICE OF PROPOSED AMENDMENTS

issued by the Department and in the amount of less than \$600 may be claimed by presenting winning tickets to Lottery sales agents, within such agent claim periods as may be established by the Director in game rules for the various games. Agents shall pay such prizes directly from Lottery ticket sales funds on hand, or when instructed by the Department, by filing the winning tickets and claim forms with the Department. Claims presented for payment at agent locations after the agent claim period established in game rules shall be presented to any Department office for payment. When a claim is presented to any agent for payment, the claimant shall present the ticket to the agent complete the name and address portions on the reverse of the ticket and show identification. The agent, after following verification procedures which establish that the ticket is a winning ticket for the drawing date on the ticket and examining the ticket for alteration, shall pay the claimant or his or her authorized representative directly.

c) Prizes of \$600 up to \$25,000 may be paid by Lottery regional or administrative offices, subject to established claim periods and validation tests. All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by Lottery regional offices, administrative offices or by an agent pursuant to subsection (b) of this Section, must be paid centrally by the Department. Claimants may obtain claim forms from any lottery on-line ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim at any of the aforesaid offices, a claimant shall present proof of identification and the winning ticket. The agent or Department employee, as applicable, will assist the claimant in filling out the claim form which will be signed by the agent or employee and by the claimant or his or her authorized ~~representative~~ representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's central offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize, or first installment thereof in the case of installment awards will be mailed to the claimant.

d) Prizes ~~in the amount of \$1,000 or less~~ of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim filed on behalf of such an individual group member shall be in the same manner as if filed on behalf of a single claimant.

e) Prizes ~~in excess of \$1,000 but less than \$1,000,000~~ of \$600 up to \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the partners or members of the group. Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant, except that a group claimant requesting individual checks to each group member must attach form 101-206 listing the names, addresses, social security numbers and other relevant data with respect to each member of the partnership or group sharing the prize and the respective shares of each individual member. But must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of all other persons entitled to a share of the prize. The

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

Department will process a voucher payable to each individual listed on the form ~~485-206~~ 5754, dividing the winnings equally, or as otherwise designated on the form ~~485-206~~ 5754. The Department will then process payment vouchers to the office of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's Identification Number (FEIN).

- f) more claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, will be made out to a partnership as a single payee, or to each of the individual partners or members, as requested in writing by the winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and Federal Employer's Identification Number of the partnership, and the ticket and claim form ~~will~~ must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of each partner. Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. Where separate checks have been requested, the partnership must additionally furnish ~~separate~~ ~~check~~ numbers and payment instructions for each partner. Upon approval, the Department will then process separate vouchers for payment of the proportionate share due each of the several claimants.

- g) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase lottery tickets. However, with respect to awards of prizes for life, such "artificial" persons shall be entitled to the minimum guaranteed prize.

- h) ~~Prize structures for partnership games offered by the Department will be established by game rule. With respect to each such game, the prize pool for each level of prize offered per drawing will be expressed as a percentage of total ticket sales for the drawing. The Grand Prize pool will be divided by the number of Grand Prize winners to determine the amount of each available per winner. If the cash available per winner is sufficient to purchase an annuity or federal security investment sufficient to yield a minimum of \$1 million per Grand Prize winner payable over twenty years, inclusive of first year cash payment of 1/20th of the winner's share of the Grand Prize and nineteen subsequent installments on an annual basis, the investments will be made by the Department and the prize paid accordingly. If the amount available in the Grand Prize pool is not sufficient to purchase a minimum investment designed to yield at least \$1 million per each Grand Prize winner as provided hereinafter, the Grand Prize pool will be divided equally among the winners and paid in a single lump-sum payment. Except as provided herein, for the game commonly known as "Lotto" the Department will invest sufficient funds to purchase federal securities equal to the Grand Prize amount, less 1/20th of that amount to be paid in cash at the time of the prize claim (the balance of the prize to be paid in nineteen annual installments). The Grand Prize will be divided by~~

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

the number of Grand Prize winners to determine the prize amount per winner. If the number of Grand Prize winners is greater than the number of millions of dollars in the advertised Grand Prize, the cash available will be divided by the number of winners and paid in a single lump sum. The amount of lower tier prizes will be determined by dividing each of the prize pools by the number of winners for each respective prize level, and rounding each prize payment down to the nearest fifty cents.

- 1) Payment of prize installments due with respect to a prize due a winner whose death occurs prior to payment of the final installment may be accelerated. Any prize, or portion thereof remaining unpaid at the death of a winner, may be paid to the estate of such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of such trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through the trust.

- 2) At the election of the estate or successor trustee, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value and paid over to the personal representative of the estate or beneficiary successor trustee, as appropriate. Upon receipt of notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as practicable after such notification, and without jeopardy to the common investment position of securities purchased in connection with payment of future installments to other winners of Grand Prizes from the same drawing date as decedent, shall offer such securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales attributable to decedent's prize. Prior to such distribution, the Department shall deduct from the proceeds of sales such sum as may be required to absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased with respect to any other same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to decedent's prize shall be distributed. Prior to authorizing accelerated liquidation of any prize, the Department shall obtain from each personal representative or

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

successor trustee requesting such liquidation a complete release of any further liability of the Department for further payment with respect to the decedent's prize upon liquidation as provided herein, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation. Any election pursuant to this subsection must be in writing and shall be irrevocable.

- i) Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for the respective games offered by the Department. Unclaimed prize money shall be retained by the Director for the person entitled thereto, for the claim period after the date of the drawing in which the prize is won, as established by game rule. Thereafter, said unclaimed prize funds will be managed as provided in statute.
- j) Winning tickets which provide entry into a Preliminary Grand Prize drawing for any instant game must be filed with the Department by the deadline established in the game rules. Entry tickets filed after the Preliminary Grand Prize qualification drawing for the game with respect to which the tickets were sold will be entered into the Preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days of the announced end of the game for which the ticket was originally sold, provided, however, that the Director may establish lesser claim periods for specific games by directive and game rule.
- k) For prizes in excess of \$10,000, a winner must identify his or her place of employment, if any, to ensure the winner is not prohibited from lottery play by the Act or these rules. For partnership claims, each partner must furnish employment information.
- l) The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets and payment of costs incurred in the operation and administration of the Department. The Department may transfer income in excess of current operating needs to the Common School Fund.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

2) Code Citation: 35 Ill. Adm. Code 721

3) Section Numbers: Proposed Action:

721.122 Amendment

721.124 Amendment

721.Appendix B Amendment

721.Appendix C Amendment

721.Appendix J Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in R94-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal ActionSummary

58 Fed. Reg. 38816, July 20, 1993

Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in BIF rules

58 Fed. Reg. 42466, Aug. 9, 1993

Determination not to list four large-volume wastes from Coal-fired electric utility power plants as Subpart D listed hazardous wastes

58 Fed. Reg. 46040, Aug. 31, 1993

Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporation by reference

58 Fed. Reg. 59598, Nov. 9, 1993

Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for BIF residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the Guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the order extraction procedure toxicity test (EP toxicity; Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1991. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part 721 are based on the federal amendments of August 31, 1993, incorporating the updated analytical methods of SW-846. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary, and changes of equations and numbers to standard scientific notation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does these proposed amendments contain incorporations by reference?
Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:
This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.
- 12) Initial Regulatory Flexibility Analysis:
A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.
B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.
C) Retraining, bookkeeping or other procedures required for compliance:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	Criteria for Listing Hazardous Waste
721.111	

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Waste from Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.133	Wood Preserving Wastes
721.135	
721.Appendix A	Representative Sampling Methods
721.Appendix B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
721.Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.Appendix G	Basis for Listing Hazardous Wastes
721.Appendix H	Hazardous Constituents
721.Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Table D Wastes Excluded by Adjusted Standard
721.Appendix J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and
Dibenzofurans (Repealed)
721.Appendix Z Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 (415 ILCS 5/22.4 and 27)).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 17 Ill. Reg. _____, effective _____; amended in R94-7 at _____ Ill. Reg. _____, effective _____.

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.122 Characteristic of Corrosivity

- a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:
- 1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method (35 Ill. Adm. Code 720.121). The EPA test method for pH are specified as Methods 9040, 9041 or 9045 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55° C (130° F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111, or an equivalent test method (35 Ill. Adm. Code 720.121).

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by U.S. EPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

- b) A solid waste that exhibits the characteristic of corrosivity has the U.S. EPA Hazardous Waste Number of D002.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

Section 721.124 Toxicity Characteristic

- a) A solid waste exhibits the characteristic of toxicity if, using the test methods described in Appendix B or equivalent test methods approved by the Agency under the procedures set forth in Sections 720.120 and 720.121 Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) below at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Appendix B Method 1311, is considered to be the extract for the purpose of this Section.

BOARD NOTE: Generators are required to use the TCLP test for the hazardous waste determination under 35 Ill. Adm. Code 720.120 as of September 25, 1990. Provided, however, that, as specified at 55 Fed. Reg. 11850, March 29, 1990, small quantity generators of 100 to 1000 kg/month, as defined in 35 Ill. Adm. Code 721.105, may continue to use the EP toxicity test until March 29, 1991. The EP toxicity test is Method 1310 in SW-846. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111. The reference to the "EP toxicity test" in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

- b) A solid waste that exhibits the characteristic of toxicity has the U.S. EPA Hazardous Waste Number specified in the following table which that corresponds to the toxic contaminant causing it to be hazardous.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

MAXIMUM CONCENTRATION OF CONTAMINANTS
FOR THE TOXICITY CHARACTERISTIC

U.S. EPA Hazardous Waste No.	Contaminant	CAS Number	Note	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2		5.0
D005	Barium	7440-39-3		100.0
D018	Benzene	71-43-2		0.5
D006	Cadmium	7440-43-9		1.0
D019	Carbon tetra- chloride	56-23-5		0.5
D020	Chloroethane	57-74-9		0.03
D021	Chlorobenzene	108-90-7		100.0
D022	Chloroform	67-66-3		6.0
D007	Chromium	7440-47-3		5.0
D023	o-Cresol	95-48-7	4	200.0
D024	m-Cresol	108-39-4	4	200.0
D025	p-Cresol	106-44-5	4	200.0
D026	Cresol		4	200.0
D016	2,4-D	94-75-7		10.0
D027	1,4-Dichlorobenzene	106-46-7		7.5
D028	1,2-Dichloroethane	107-06-2		0.5
D029	1,1-Dichloro- ethylene	75-35-4		0.7
D030	2,4-Dinitrotoluene	121-14-2		0.13
D012	Endrin	72-20-8	3	0.02
D031	Heptachlor (and its epoxide)	76-44-8		0.008
D032	Hexachlorobenzene	118-74-1	3	0.13
D033	Hexachlorobutadiene	87-68-3		0.5
D034	Hexachloroethane	67-72-1		3.0
D008	Lead	7439-92-1		5.0
D013	Lindane	58-89-9		0.4
D009	Mercury	7439-97-6		0.2
D014	Methoxychlor	72-43-5		10.0
D035	Methyl ethyl ketone	78-93-3		200.0
D036	Nitrobenzene	98-95-3		2.0
D037	Pentachlorophenol	87-86-5		100.0
D038	Pyridine	110-86-1	3	5.0
D010	Selenium	7782-49-2		1.0
D011	Silver	7440-22-4		5.0
D039	Tetrachloroethylene	127-18-4		0.7
D015	Toxaphene	8001-35-2		0.5
D040	Trichloroethylene	79-01-6		0.5
D041	2,4,5-trichloro- phenol	95-95-4		400.0
D042	2,4,6-Trichloro- phenol	88-06-2		2.0
D017	2,4,5-TP (Silvex)	93-72-1		1.0
D043	Vinyl chloride	75-01-4		0.2

Notes to Table:

- 3 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/L.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 721. Appendix B+ Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

~~The Board incorporates by reference 40 CFR 261, Appendix II, as amended at 57 Fed. Reg. 55114-55117, November 24, 1992 and 59 Fed. Reg. 6854, This Section incorporates no future editions or modifications.~~

NOTE: The TCLP (Method 1311) is published in "Test Methods for Evaluating Solid Waste. Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 721. Appendix C+ Chemical Analysis Test Methods

~~The Board incorporates by reference 40 CFR 261, Appendix III (1990), as amended at 55 Fed. Reg. 50483, December 6, 1990. This Section incorporates no future editions or modifications.~~

NOTE: Appropriate analytical procedures to determine whether a sample contains a given toxic constituent are specified in Chapter Two, "Choosing the Correct Procedure", found in "Test Methods for Evaluating Solid Waste. Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111. Prior to final sampling and analysis method selection, the individual should consult the specific section or method described in SW-846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 721. Appendix J+ Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)

~~The Board incorporates by reference 40 CFR 261, Appendix X (1985). This Part incorporates no future revisions or editions.~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: LAND DISPOSAL RESTRICTIONS2) Code Citation: 35 Ill. Adm. Code 7283) Section Numbers:

728.107 Amendment

728.140 Amendment

728.141 Amendment

728.Appendix A Amendment

728.appendix I Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in R94-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a)) (415 ILCS 5/22.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal Action

Summary

58 Fed. Reg. 38816, July 20, 1993

Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in BIF rules

58 Fed. Reg. 42466, Aug. 9, 1993

Determination not to list four large-volume wastes from Coal-fired electric utility power plants as Subpart D listed hazardous wastes

58 Fed. Reg. 46040, Aug. 31, 1993

Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporate by reference

58 Fed. Reg. 59598, Nov. 9, 1993

Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for BIF residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the Guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/-Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the older extraction procedure toxicity test (EP toxicity: Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1991. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part 728 are based on the federal amendments of August 31, 1993, incorporating the updated analytical methods of SW-846. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary, and changes of equations and numbers to standard scientific notation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does these proposed amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.
- 9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

- C) Reporting, bookkeeping or other procedures required for compliance:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section
 728.101 Purpose, Scope and Applicability
 728.102 Definitions
 728.103 Dilution Prohibited as a Substitute for Treatment
 728.104 Treatment Surface Impoundment Exemption
 728.105 Procedures for case-by-case Extensions to an Effective Date
 728.106 Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
 728.107 Waste Analysis and Recordkeeping
 728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)
 728.109 Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section
 728.110 First Third
 728.111 Second Third
 728.112 Third Third
 728.113 Newly Listed Wastes
 728.114 Surface Impoundment exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section
 728.130 Waste Specific Prohibitions -- Solvent Wastes
 728.131 Waste Specific Prohibitions -- Dioxin-Containing Wastes
 728.132 Waste Specific Prohibitions -- California List Wastes
 728.133 Waste Specific Prohibitions -- First Third Wastes
 728.134 Waste Specific Prohibitions -- Second Third Wastes
 728.135 Waste Specific Prohibitions -- Third Third Wastes
 728.136 Waste Specific Prohibitions -- Newly Listed Wastes
 728.137 Characteristic Wastes Whose Treatment Standards Were Vacated
 728.139 Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section
 728.140 Applicability of Treatment Standards
 728.141 Treatment Standards Expressed as Concentrations in Waste Extract
 728.142 Treatment Standards Expressed as Specified Technologies
 728.143 Treatment Standards Expressed as Waste Concentrations
 728.144 Adjustment of Treatment Standard
 728.145 Treatment Standards for Hazardous Debris
 728.146 Alternative Treatment Standards Based on HTMR

SUBPART E: PROHIBITIONS ON STORAGE

Section
 728.150 Prohibitions on Storage of Restricted Wastes
 728.151 Toxicity Characteristic Leaching Procedure (TCLP)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

728.152 Treatment Standards (As concentrations in the Treatment Residual Extract)
 728.153 List of Halogenated Organic Compounds
 728.154 Organometallic Lab Packs
 728.155 Organic Lab Packs
 728.156 Technologies to Achieve Deactivation of Characteristics
 728.157 Federal Effective Dates
 728.158 National Capacity LDR Variances for UIC Wastes
 728.159 EP Toxicity Test Method and Structural Integrity Test

728.160 Constituent Concentrations in Waste Extract (CCWE)
 728.161 Constituent Concentrations in Wastes (CCW)
 728.162 Technology Codes and Description of Technology-Based Standards
 728.163 Technology-Based Standards by RCRA Waste Code
 728.164 Standards for Radioactive Mixed Waste
 728.165 Alternative Treatment Standards for Hazardous Debris
 728.166 Alternative Treatment Standards Based on HMTR
 728.167 Wastes Excluded from CCW Treatment Standards

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. _____, effective _____, amended in R94-7 at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.107 Waste Analysis and Recordkeeping

a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721-Subpart D, the generator shall test its waste, or test an extract using the ~~test method described in 35 Ill. Adm. Code 721-Appendix A~~ Toxicity Characteristic Leaching Procedure, Method 1311, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this part. Except as specified in Section 728.132, if a generator's waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721-Subpart C, the generator shall test an extract using the ~~test method described in Section 728-Appendix A~~ Toxicity Characteristic Leaching Procedure, Method 1311, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste, to determine if the waste is

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

restricted from land disposal under this Part. If the generator determines that its waste displays the characteristic of Ignitability (D01) and is not in the High VOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGs of Section 728.2 Table C of this Part, or the characteristic or corrosivity (D02), and is prohibited under Section 728.137, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102 of this Part), are reasonably expected to be present in the D001 or D002 waste.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D of this Part and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:
 - A) U.S. EPA hazardous waste number;
 - B) The corresponding treatment standards for wastes F001 through F005, F039, wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subcategory made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Sections and subsections where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.142 Table C (e.g., INCIN, WETOX) also must be listed on the notification.
 - C) The manifest number associated with the shipment of waste; and
 - D) For hazardous debris, the contaminants subject to treatment as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145; and
 - E) Waste analysis data, where available.
- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D of this Part and the applicable prohibition levels set forth in Section 728.132 or 728.139. Generators of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(c), 35 Ill. Adm. Code 728.103(f)(2) and 35 Ill. Adm. Code 720.122 (i.e. debris that is delisted), however are not subject to these notification and certification requirements.

- A) The notice must include the following information:
- i) U.S. EPA hazardous waste number;
 - ii) The corresponding treatment standards for wastes F001 through F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or referenced by including on the notification the applicable wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.142 Table C (e.g., INCIN, WETOX) also must be listed on the notification.
 - iii) The manifest number associated with the shipment of waste;
 - iv) Waste analysis data, where available
- B) The certification must be signed by an authorized representative and must state the following:
- I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.132 and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268.Subpart C (19892), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

- A) U.S. EPA hazardous waste number;
 - B) The corresponding treatment standards for wastes F001 through F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or be referenced by including on the notification the , and the Section and subsection where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.Table C (e.g., INCIN, WETOX) also must be listed on the notification.
 - C) The manifest number associated with the shipment of waste;
 - D) Waste analysis data, where available;
 - E) For hazardous debris, the containers subject to treatment as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145"; and
 - F) The date the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks, containers or containment buildings to meet applicable treatment standards under Subpart D of this Part, the generator shall develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:
- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Section 728.Appendix A, the generator shall retain all waste analysis data on site in the generator's files.
- 6) If a generator determines, subsequent to the time of generation, that the generator is managing a restricted waste ~~which~~ that is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 721.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.
- 7) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.
- 8) If a generator is managing a lab pack that contains wastes identified in Section 728.Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) above and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in 35 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Adm. Code 728.132, Appendix D or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 9) If a generator is managing a lab pack that contains organic wastes specified in Section 728.142, Appendix E and wishes to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above. The generator also shall comply with the requirements in subsections (a)(5) and (a)(6) above, and shall submit the following certification ~~which~~ that must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.142, Appendix E or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) above for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or the Agency notifies the generator documents need no be retained.

- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3) below.

- 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Section 728.142, Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

- 2) For wastes prohibited under Section 728.132 or 728.139 ~~which~~ that are not subject to any treatment standards under Subpart D of this Part, the owner or operator of the treatment facility shall test the treatment residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

- 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 4) A notice must be sent with each waste shipment to the land disposal facility ~~which~~ that includes the following information, except that debris excluded from the definition of the hazardous waste under Section 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728.103(f)(2) and debris that is delisted) is subject to the notification and certification requirements of subsection (d) below rather than these notification requirements:

- A) U.S. EPA hazardous waste number;
- B) The corresponding treatment standards for wastes F001 through F005, F039, wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents (as defined in Section 728.102 of this Part), in D001 and D002 wastes if those wastes are prohibited under Section 728.137 of this Part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Sections and subsections where the applicable treatment standards are appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.142, Table C (e.g., INCIN, WETOX) also must be listed on the notification.

- C) The manifest number associated with the shipment of waste; and

- D) Waste analysis data, where available.

- 5) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D of this Part and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under Section 728.103(f)(2) (i.e., debris treated by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

an extraction or destruction technology provided by Section 728.141, and debris that is delisted, however, is subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of subsection (b)(5).

- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 ~~which~~ that are not subject to any treatment standards under Subpart D of this Part, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.139 and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D of this Part is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) above, and a notice ~~which~~ that includes the information listed in subsection (b)(4) above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b) above and the certification specified in Section 728.108 if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Section 728.139, Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D of this Part and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to such subsections (c)(1) through (c)(3) above with respect to such waste.

d) Generators or treaters ~~whethat~~ first claim that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728.142, and debris that has been deleted) are subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:
- A) The name and address of the RCRA Subtitle D facility receiving the treated debris;
- B) A description of the hazardous debris as initially generated, including the applicable U.S. EPA hazardous waste numbers; and
- C) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the technology from Section 728.142, used to treat the debris.
- 2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded 35 Ill. Adm. Code 721.2(d)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
- 3) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728.142, as follows:
- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treater obtains during treatment of the debris that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

identifies key operating parameters of the treatment unit; and

- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A restricted waste identified in Section 728.141 may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using the test method 35 Ill. Adm. Code 721.2(d)(1), the Toxicity Characteristic Leaching Procedure, does not exceed the value shown in Section 728.142 for any hazardous constituent listed in Section 728.143. These wastes may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using either the test method in 35 Ill. Adm. Code 721.2(d)(1) or the Toxicity Characteristic Leaching Procedure, or the test method in Section 728.142, does not exceed the value shown in Section 728.143 for any hazardous constituent listed in Section 728.143. Methods 1310 and 1311 are both found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) A restricted waste for which a treatment technology is specified under Section 728.142(a) or hazardous debris for which a treatment technology is specified under Section 728.145 may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Agency under the procedures set forth in Section 728.142(b). For waste displaying the characteristic of ignitability (D001) and reactivity (D003), that are diluted to meet the deactivation treatment standard in Section 728.143(c) and D (DEACT), the treater shall comply with the precautionary measures specified in 35 Ill. Adm. Code 724.117(b) and 35 Ill. Adm. Code 725.117(b).
- c) Except as otherwise specified in Section 728.143(c), a restricted waste identified in Section 728.143 may be land disposed only if the constituent concentrations in the waste or treatment residue of the waste do not exceed the value shown in Section 728.143. For any hazardous constituent listed in Section 728.143, Table B for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that waste.

- d) If a treatment standard has been established in Sections 728.141 through 728.143 for a hazardous waste that is itself subject to those standards rather than the standards for hazardous debris under Section 728.145.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 728.141 Treatment Standards Expressed as Concentrations in Waste Extract

- a) Section 728.141 identifies the restricted wastes and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Section 728.141. Appendix A Method 1311, the Toxicity Characteristic Leaching Procedure, for the allowable land disposal of such wastes. Compliance with these concentrations is required based upon grab samples, unless otherwise noted in Section 728.141. Appendix A Method 1311 is found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low zinc nonwastewater K061 are subject to the treatment standard for high zinc K061.

- c) The treatment standards for the constituents in F001 through F005 which are listed in Section 728.141 Appendix A only apply to wastes which contain one, two, or all three of these constituents. If the waste contains any of these three constituents along with any of the other 26 constituents found in F001 through F005, then only the treatment standards in Section 728.141 Appendix A are required.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 728.142 Toxicity Characteristic Leaching Procedure (TCLP)

~~The Board incorporated by reference 40 CFR 268, Appendix I (1988). This incorporation includes no future editions or amendments. Note: The TCLP (Method 1311) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 728.143 EP Toxicity Test Method and Structural Integrity Test

~~The Board incorporated by reference 40 CFR 268, Appendix IX, adopted at 56 Fed. Reg. 3846, January 31, 1991. This section incorporates no future amendments or editions. Note: The EP (Method 1310) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL2) Code Citation: 35 Ill. Adm. Code 7203) Section Numbers:
720.111 Proposed Action:
720.122 Amendment4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in 894-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal Action

Summary

- 58 Fed. Reg. 38816, July 20, 1993 Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in BIF rules
- 58 Fed. Reg. 42466, Aug. 9, 1993 Determination not to list four large-volume wastes from coal-fired electric utility power plants as Subpart D listed hazardous wastes
- 58 Fed. Reg. 46040, Aug. 31, 1993 Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporations by reference
- 58 Fed. Reg. 59598, Nov. 9, 1993 Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for BIF residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the Guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the older extraction procedure toxicity test (EP toxicity; Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1991. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part 720 are based on the federal amendments of July 20 and August 31, 1993, incorporating the updated analytical procedures of SW-846 and the updated air pollution control models. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and changes of equations and numbers to standard scientific notation.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Beville exclusion actually constitutes a regulatory relaxation.

C) Reporting, bookkeeping or other procedures required for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Beville exclusion actually constitutes a regulatory relaxation.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section
720.101 Purpose, Scope and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section
720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section
720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

720.Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111k, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 966, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 17 Ill. Reg. _____, effective _____; amended in R94-7 at 17 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415: Control of Gaseous Emissions, U.S. EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM E926-88 C. Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analysis of Metals, Bomb-Acid Digestion Method, approved March 25, 1988.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-32381:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, September 1986), as amended by Update I (July 1992) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", August-October, 19892. (Document number PB89-152996) EPA-450/R-92-019.

~~"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number 600/4-91-010, Second Edition, 1992 as amended by Update I (April 1984) and Update II (April 1985) (Document number PB 87-120291).~~

~~"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number 600/4-91-010, Third Edition, September 1986 (Document number PB89-239223) as amended by Revision I (December 1987) and First Update, January, 1988. (Document Number PB89-148076).~~

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. EPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

U.S. EPA. Available from U.S. EPA, Number F-90-WPWF-FFFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, (202) 475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)

U.S. EPA. Available from Receptor Analysis Branch, U.S. EPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992. Publication Number EPA-450/R-92-019.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (1992)

40 CFR 51.100(ii) (1992)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

40 CFR 51, Subpart W, as added at 58 Fed. Reg. 38822 (July 20, 1993)

40 CFR 60 (19923)

40 CFR 61, Subpart V (19923)

40 CFR 136 (19923)

40 CFR 142 (19923)

40 CFR 220 (1992)

40 CFR 260.20 (1992)

40 CFR 264 (1992)

40 CFR 268, Appendix IX (1992)

40 CFR 302.4, 302.5 and 302.6 (1992)

40 CFR 761 (19923)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.122 Waste Delisting

a) Any person seeking to exclude a waste from a particular generating facility from the lists in 35 Ill. Adm. Code 721.Subpart D may file a petition, as specified in subsection (n) below. The Board will grant the petition if:

- 1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and
- 2) If the Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "Petitions to Delist--A Guidance Manual", incorporated by reference in Section 720.111. A waste ~~that~~ is so excluded, however, still may be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Listed wastes and mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or 721.121(C), a waste ~~which~~ that is described in these Sections and is either a waste listed in 35 Ill. Adm. Code 721.Subpart D, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment or disposal facility. The petitioner shall make the same demonstration as required by subsection (a) ~~above~~. Where the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste ~~which~~ that is so excluded may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.
- c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is listed in codes "I", "C", "R" or "E" in 35 Ill. Adm. Code 721.Subpart D:
- 1) The petitioner shall demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123 or 721.124, using any applicable methods prescribed in those Sections. The petitioner shall also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections;
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "Petitions to Delist--A Guidance Manual", incorporated by reference in Section 720.111. A waste ~~which~~ that is so excluded, however, may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.
- d) Toxic waste. If the waste is listed in code "T" in 35 Ill. Adm. Code 721.Subpart D:
- 1) The petitioner shall demonstrate that the waste:
 - A) Does not contain the constituent or constituents (as defined in 35 Ill. Adm. Code 721.Appendix G) that caused U.S. EPA to list the waste, using the appropriate test methods prescribed in 35 Ill. Adm. Code 721.Appendix G--Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in Section 720.111; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Although containing one or more of the hazardous constituents (as defined in 35 Ill. Adm. Code 721.Appendix G) that caused U.S. EPA to list the waste, does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (K) under which the waste was listed as hazardous; and
- 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.
 - 3) The petitioner shall demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123 or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste ~~which~~ that is so excluded, however, may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.
- e) Acute hazardous waste. If the waste is listed with the code "H" in 35 Ill. Adm. Code 721.Subpart D:
- 1) The petitioner shall demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and
 - 2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "Petitions to Delist--A Guidance Manual", incorporated by reference in Section 720.111.
 - 3) The petitioner shall demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123 or 721.124, using any applicable methods prescribed in those Sections.
 - 4) A waste ~~which~~ that is so excluded, however, may still be a hazardous waste by operation of 35 Ill. Adm. Code 721.Subpart C.
- h) Demonstration samples must consist of enough representative samples, but in no case less than four samples, taken over a period of time sufficient to represent the variability or the uniformity of the waste.
- i) Each petition must include, in addition to the information required by subsection (n) ~~below~~:
- 1) The name and address of the laboratory facility performing

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the sampling or tests of the waste;

- 2) The names and qualifications of the persons sampling and testing the waste;

- 3) The dates of sampling and testing;

- 4) The location of the generating facility;

- 5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations or feed materials can or might produce a waste ~~which~~ that is not covered by the demonstration;

- 6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

- 7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, where the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);

- 8) A description of the methodologies and equipment used to obtain the representative samples;

- 9) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

- 10) A description of the tests performed (including results);

- 11) The names and model numbers of the instruments used in performing the tests; and

- 12) The following statement signed by the generator or the generator's authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- j) After receiving a petition, the Board may request any additional information ~~which~~ that the Board needs to evaluate the petition.

- k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.

- l) The Board will exclude only part of the waste for which the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

demonstration is submitted if the Board determines that variability of the waste justifies a partial exclusion.

BOARD NOTE: See "Petitions to Delist Hazardous Wastes -- A Guidance Manual", incorporated by reference in Section 720.111.

- m) Delisting of specific wastes from specific sources ~~which~~ that have been adopted by U.S. EPA may be proposed as State regulations ~~which~~ that are identical in substance pursuant to Section 720.120(a).

- n) Delistings ~~which~~ that have not been adopted by U.S. EPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to 35 Ill. Adm. Code 106.Subpart G. The justification for the adjusted standard is as specified in subsections (a) ~~et seq.~~ through (g) above, as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.

- 1) In accordance with 35 Ill. Adm. Code 106.710, the petitioner shall serve copies of the petition, and any other documents filed with the Board, on U.S. EPA at the following addresses:

U.S. EPA
Office of Solid Waste and Emergency Response
Washington, D.C. 20460

U.S. EPA, Region V
230 S. Dearborn Street
Chicago, IL 60604

- 2) The Board will mail copies of all opinions and orders to U.S. EPA at the above addresses.

- 3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in 35 Ill. Adm. Code 721.Appendix I, a listing of all adjusted standards granted by the Board.

- o) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. Such a finding is evidence against the Agency in any subsequent proceedings but shall not be conclusive with reference to other persons or the Board.

- p) Any petition to delist directed to the Board or request for determination directed to the Agency must include a showing that the waste will be generated or managed in Illinois.

- q) The Board will not grant any petition ~~which~~ that would render the Illinois RCRA program less stringent than if the decision were made by U.S. EPA.

- r) Delistings apply only within Illinois. Generators shall comply with 35 Ill. Adm. Code 722 for waste ~~which~~ that is hazardous in any state to which it is to be transported.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.290
725.414
Amendment
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in R94-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal Action

Summary

58 Fed. Reg. 38816, July 20, 1993

Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in BIF rules

58 Fed. Reg. 42466, Aug. 9, 1993

Determination not to list four large-volume wastes from Coal-fired electric utility power plants as Subpart D listed hazardous wastes

58 Fed. Reg. 46040, Aug. 31, 1993

Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporations by reference

58 Fed. Reg. 59598, Nov. 9, 1993

Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for BIF residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the Guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the older extraction procedure toxicity test (EP toxicity; Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1991. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part 725 are based on the federal amendments of August 31, 1993, incorporating the updated analytical methods of SW-846. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary, and changes of equations and numbers to standard scientific notation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does these proposed amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

- C) Reporting, bookkeeping or other procedures required for compliance:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
725.118 Location Standards
725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan
725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan
725.154 Amendment of Contingency Plan
725.155 Emergency Coordinator
725.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
725.170 Applicability
725.171 Use of Manifest System
725.172 Manifest Discrepancies
725.173 Operating Record
725.174 Availability, Retention and Disposition of Records
725.175 Annual Report
725.176 Unmanifested Waste Report
725.177 Additional Reports

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: GROUNDWATER MONITORING

Section
725.190 Applicability
725.191 Groundwater Monitoring System
725.192 Sampling and Analysis
725.193 Preparation, Evaluation and Response
725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE

Section
725.210 Applicability
725.211 Closure Performance Standard
725.212 Closure Plan; Amendment of Plan
725.213 Closure; Time Allowed for Closure
725.214 Disposal or Decontamination of Equipment, Structures and Soils
725.215 Certification of Closure
725.216 Survey Plat
725.217 Post-closure Care and Use of Property
725.218 Post-closure Plan; Amendment of Plan
725.219 Post-closure Notices
725.220 Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
725.240 Applicability
725.241 Definitions of Terms as Used in this Subpart
725.242 Cost Estimate for Closure
725.243 Financial Assurance for Closure
725.244 Cost Estimate for Post-closure Care
725.245 Financial Assurance for Post-closure Monitoring and Maintenance
725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care

725.247 Liability Requirements
725.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
725.270 Applicability
725.271 Condition of Containers
725.272 Compatibility of Waste with Container
725.273 Management of Containers
725.274 Inspections
725.276 Special Requirements for Ignitable or Reactive Waste
725.277 Special Requirements for Incompatible Wastes

SUBPART J: TANK SYSTEMS

Section
725.290 Applicability
725.291 Assessment of Existing Tank System's Integrity
725.292 Design and Installation of New Tank Systems or Components
725.293 Containment and Detection of Releases
725.294 General Operating Requirements
725.295 Inspections
725.296 Response to leaks or spills and disposition of Tank Systems
725.297 Closure and Post-Closure Care
725.298 Special Requirements for Ignitable or Reactive Waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Special Requirements for Incompatible Wastes
Waste Analysis and Trial Tests
Generators of 100 to 1000 kg/mo.

SUBPART K: SURFACE IMPOUNDMENTS

Section
725.320 Applicability
725.321 Design and Operating Requirements
725.322 Action Leakage Rate
725.323 Response Actions
725.324 Containment System
725.325 Waste Analysis and Trial Tests
725.326 Monitoring and Inspections
725.328 Closure and Post-closure Care
725.329 Special Requirements for Ignitable or Reactive Waste
725.330 Special Requirements for Incompatible Wastes

SUBPART L: WASTE PILES

Section
725.350 Applicability
725.351 Protection from Wind
725.352 Waste Analysis
725.353 Containment
725.354 Design and Operating Requirements
725.355 Action Leakage Rates
725.356 Special Requirements for Ignitable or Reactive Waste
725.357 Special Requirements for Incompatible Wastes
725.358 Closure and Post-closure Care
725.359 Response Actions
725.360 Monitoring and Inspection

SUBPART M: LAND TREATMENT

Section
725.370 Applicability
725.372 General Operating Requirements
725.373 Waste Analysis
725.376 Food Chain Crops
725.378 Unsaturated Zone (Zone of Aeration) Monitoring
725.379 Recordkeeping
725.380 Closure and Post-closure
725.381 Special Requirements for Ignitable or Reactive Waste
725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section
725.400 Applicability
725.401 Design Requirements
725.402 Action Leakage Rate
725.403 Response Actions
725.404 Monitoring and Inspection
725.409 Surveying and Recordkeeping
725.410 Closure and Post-closure
725.412 Special Requirements for Ignitable or Reactive Waste
725.413 Special Requirements for Incompatible Wastes
725.414 Special Requirements for Liquid Wastes
725.415 Special Requirements for Containers
725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART O: INCINERATORS

Section
725.440 Applicability
725.441 Waste Analysis
725.445 General Operating Requirements
725.447 Monitoring and Inspection
725.451 Closure
725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section
725.470 Other Thermal Treatment
725.473 General Operating Requirements
725.475 Waste Analysis
725.477 Monitoring and Inspections
725.481 Closure
725.482 Open Burning; Waste Explosives
725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section
725.500 Applicability
725.501 General Operating Requirements
725.502 Waste Analysis and Trial Tests
725.503 Inspections
725.504 Closure
725.505 Special Requirements for Ignitable or Reactive Waste
725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section
725.530 Applicability

SUBPART W: DRIP PADS

Section
725.540 Applicability
725.541 Assessment of existing drip pad integrity
725.542 Design and installation of new drip pads
725.543 Design and operating requirements
725.544 Inspections
725.545 Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
725.930 Applicability
725.931 Definitions
725.932 Standards: Process Vents
725.933 Standards: Closed-vent Systems and Control Devices
725.934 Test methods and procedures
725.935 Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
725.950 Applicability
725.951 Definitions
725.952 Standards: Pumps in Light Liquid Service
725.953 Standards: Compressors

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725.954 Standards: Pressure Relief Devices in Gas/Vapor Service
725.955 Standards: Sampling Connecting Systems
725.956 Standards: Open-ended Valves or Lines
725.957 Standards: Valves in Gas/Vapor or Light Liquid Service
725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors

725.959 Standards: Delay of Repair
725.960 Standards: Closed-vent Systems and Control Devices
725.961 Percent Leakage Alternative for Valves
725.962 Skip Period Alternative for Valves
725.963 Test Methods and Procedures
725.964 Recordkeeping Requirements

SUBPART DD: CONTAINMENT BUILDINGS

Section
725.1100 Applicability
725.1101 Design and operating standards
725.1102 Closure and post-closure care

725. Appendix A Recordkeeping Instructions
725. Appendix B EPA Report Form and Instructions (Repealed)
725. Appendix C EPA Interim Primary Drinking Water Standards
725. Appendix D Tests for Significance
725. Appendix E Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-23, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 2485, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 13027, effective July 29, January 15, 1988; amended in R87-39 at 12 Ill. Reg. 437, effective December 28, 1988; amended in R88-16 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R89-1 at 13 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 in R90-2 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 14 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 17 Ill. Reg. _____, effective _____, amended in R94-7 at 17 Ill. Reg. _____, effective _____.

SUBPART J: TANK SYSTEMS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 725.290 Applicability

The regulations of this Subpart apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in subsections (a), (b) or (c) below, or in Section 725.101.

- a) Tank systems that are used to store or treat hazardous waste ~~which~~ that contains no free liquids and that are situated inside a building with an impermeable floor are exempted from the requirements in Section 725.293. To demonstrate the absence or presence of free liquids in the stored ~~or~~ treated waste, the following test must be used: U.S. EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" 4. U.S. EPA Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.1117 ~~must be used~~.
- b) Tank systems, including sumps, as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 725.293(a).
- c) Tanks, sumps and other collection devices used in conjunction with drip pads, as defined in 35 Ill. Adm. Code 720.110 and regulated under Subpart W of this Part, must meet the requirements of this Subpart.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 725.414 Special Requirements for Liquid Wastes

- a) This subsection corresponds with 40 CFR 265.314(a), which pertains to the placement of bulk or non-containerized liquid waste or waste containing free liquids in a landfill prior to May 8, 1985. This statement maintains structural consistency with U.S. EPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) Containers holding free liquids must not be placed in a landfill unless;
 - 1) All free-standing liquid:
 - A) has been removed by decanting or other methods;
 - B) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
 - C) has been otherwise eliminated; or
 - 2) The container is very small, such as an ampule; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
- 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" 4. U.S. EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 721.111.
- e) The placement of any liquids ~~which~~ that is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).
- f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (f)(1) below; materials that pass one of the tests in subsection (f)(2) below; or materials that are determined by Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.
 - 1) Nonbiodegradable sorbents are:
 - A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, mica (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or
 - B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorbornene, polysobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or
 - C) Mixtures of these nonbiodegradable materials.
 - 2) Tests for nonbiodegradable sorbents.
 - A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-- "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-- "Standard Practice for Determining Resistance of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: RCRA PERMIT PROGRAM

2) Code Citation: 35 Ill. Adm. Code 703

3) Section Numbers: Proposed Action:

703.110 Amendment
703.205 Amendment
703.223 Amendment
703.232 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in R94-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal Action

Summary

58 Fed. Reg. 38816, July 20, 1993 Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in BIF rules

58 Fed. Reg. 42466, Aug. 9, 1993 Determination not to list four large-volume wastes from Coal-fired electric utility power plants as Subpart D listed hazardous wastes

58 Fed. Reg. 46040, Aug. 31, 1993 Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporations by reference

58 Fed. Reg. 59598, Nov. 9, 1993 Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for BIF residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the Guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the older extraction procedure toxicity test (EP Toxicity; Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1991. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part 703 would implement the federal amendments of August 31, 1993, incorporating the updated analytical procedures of SW-846. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary, and changes of equations and numbers to standard scientific notation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does these proposed amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

- C) Reporting, bookkeeping or other procedures required for Compliance:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Scope and Relation to Other Parts
Purpose
References

Section
703.100
703.101
703.110

SUBPART B: PROHIBITIONS

Prohibitions in General

RCRA Permits
Specific Inclusions in Permit Program
Specific Exclusions from Permit Program
Discharges of Hazardous Waste
Reapplications
Initial Applications
Federal Permits (Repealed)

Section
703.120
703.121
703.122
703.123
703.124
703.125
703.126
703.127

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Purpose and Scope

Permits by Rule
Application by Existing HWM Facilities and Interim Status
Qualifications
Application by New HWM Facilities
Amended Part A Application
Qualifying for Interim Status
Prohibitions During Interim Status
Changes During Interim Status
Interim Status Standards
Grounds for Termination of Interim Status
Permits for Less Than an Entire Facility
Closure by Removal
Procedures for Closure Determination

Section
703.140
703.141
703.150
703.151
703.152
703.153
703.154
703.155
703.156
703.157
703.158
703.159
703.160

SUBPART D: APPLICATIONS

Applications in General

Contents of Part A
Contents of Part B
General Information
Facility Location Information
Groundwater Protection Information
Exposure Information
Solid Waste Management Units
Other Information
Specific Information
Containers
Tank Systems
Surface Impoundments
Waste Piles

Section
703.180
703.181
703.182
703.183
703.184
703.185
703.186
703.187
703.188
703.200
703.201
703.202
703.203
703.204

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

703.205 Incinerators
 703.206 Land Treatment
 703.207 Landfills
 703.208 Specific Part B Information Requirements for Boilers and Industrial Furnaces
 703.209 Miscellaneous Units
 703.210 Process Vents
 703.211 Equipment
 703.212 Drip Pads

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.221 Emergency Permits
 703.222 Incinerator Conditions Prior to Trial Burn
 703.223 Incinerator Conditions During Trial Burn
 703.224 Incinerator Conditions After Trial Burn
 703.225 Trial Burns for Existing Incinerators
 703.230 Land Treatment Demonstration
 703.231 Research, Development and Demonstration Permits
 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240 Permit Denial
 703.241 Establishing Permit Conditions
 703.242 Noncompliance Pursuant to Emergency Permit
 703.243 Monitoring
 703.244 Notice of Planned Changes
 703.245 Twenty-four Hour Reporting
 703.246 Reporting Requirements
 703.247 Anticipated Noncompliance

SUBPART G: CHANGES TO PERMITS

Section
 703.260 Transfer
 703.261 Modification
 703.270 Causes for Modification
 703.271 Causes for Modification or Reissuance
 703.272 Facility Siting
 703.273 Permit Modification at the Request of the Permittee
 703.280 Class 1 Modifications
 703.281 Class 2 Modifications
 703.282 Class 3 Modifications
 703.283 Class 3 Modifications

703. Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1993; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 17 Ill. Reg. _____, effective _____; amended in R94-7 at 17 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 703.110 References

- a) When used in this Part the following publications are incorporated by reference:

~~Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)). The second edition of SW-846 and Updates I and II are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401 (202) 783-3238, on a subscription basis. (See 35 Ill. Adm. Code 720.111.)~~

- b) The references listed in paragraph (a) above are also available for inspection at the offices of the Pollution Control Board. This incorporation includes no later amendments or editions.

(BOARD NOTE: Derived from 40 CFR 270.6 (1992), as amended at 58 Fed. Reg. 46051 (Aug. 31, 1993).)

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

SUBPART D: APPLICATIONS

Section 703.205 Incinerators

For facilities that incinerate hazardous waste, except as 35 Ill. Adm. Code 724.440 provides otherwise, the applicant must fulfill the requirements of paragraphs (a), (b) or (c) below in completing the Part B application:

- a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive or reactive wastes only):
- 1) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721. Subpart D solely because it is ignitable (Hazard Code 1), corrosive (Hazard Code C), or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

both; or

- 2) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.123 Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5), and will not be burned when other hazardous wastes are present in the combustion zone; or
- 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721.123 Subpart C; or
- 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123 (a)(1) through (a)(3), or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone; or
- b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq.; or
- c) In lieu of a trial burn, the applicant may submit the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned including:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721.123 Appendix H, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721.123 Appendix H which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference, ~~see at 35 Ill. Adm. Code 720.111 and Section 703.110 and referenced in 35 Ill. Adm. Code 721.123 Appendix G, or their equivalent;~~
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste,

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference, ~~see at 35 Ill. Adm. Code 720.111 and Section 703.110;~~

- E) A quantification of those hazardous constituents in the waste which may be designated as POHCs based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;
- 2) A detailed engineering description of the incinerator, including:
 - A) Manufacturer's name and model number of incinerator;
 - B) Type of incinerator;
 - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
 - D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff system(s);
 - G) Stack gas monitoring and pollution control monitoring system;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in ~~paragraph~~ subsection (c)(1) above. This analysis should specify the POHCs which the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
- 5) A description of the results submitted from any previously conducted trial burn(s) including:
 - A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
 - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide and an appropriate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

- C) The certification and results required by ~~paragraph~~ subsection (b) above;
- 6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445 including:
- A) Expected carbon monoxide (CO) level in the stack exhaust gas;
 - B) Waste feed rate;
 - C) Combustion zone temperature;
 - D) Indication of combustion gas velocity;
 - E) Expected stack gas volume, flow rate and temperature;
 - F) Computed residence time for waste in the combustion zone;
 - G) Expected hydrochloric acid removal efficiency;
 - H) Expected fugitive emissions and their control procedures;
 - I) Proposed waste feed cut-off limits based on the identified significant operating parameters;
- 7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of 35 Ill. Adm. Code 724.443-Subpart 0, and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act;
- 8) Waste analysis data, including that submitted in ~~paragraph~~ subsection (c)(1) above, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required;
- d) The Agency shall approve a permit application without a trial burn if it finds that:
- 1) The wastes are sufficiently similar; and
 - 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.

(BOARD NOTE: Derived from 40 CFR 270.19 (1992), as amended

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

at 58 Fed. Reg. 46051 (Aug. 31, 1993). See 40 CFR 122.25(b)(5).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency shall establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants shall propose a trial burn plan, prepared under subsection (b) below with Part B of the permit application;
- b) The trial burn plan must include the following information:
 - 1) An analysis of each waste or mixture of wastes to be burned ~~which~~ that includes:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H, ~~which~~ that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721. Appendix H ~~which~~ that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as ~~incorporated by reference~~ see at 35 Ill. Adm. Code 720.111 and Section 703.1107, or their equivalent;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as ~~incorporated by reference~~ see at 35 Ill. Adm. Code 720.111 and Section 703.1107, or their equivalent;
 - 2) A detailed engineering description of the incinerator for which the permit is sought including:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Manufacturer's name and model number of incinerator (if available);
- B) Type of incinerator;
- C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
- D) Description of the auxiliary fuel system (type/feed);
- E) Capacity of prime mover;
- F) Description of automatic waste feed cut-off system(s);
- G) Stack gas monitoring and pollution control equipment;
- H) Nozzle and burner design;
- I) Construction materials;
- J) Location and description of temperature, pressure and flow indicating and control devices;
- 3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and planned analytical procedures for sample analysis;
- 4) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned and other factors relevant to the Agency's decision under subsection (e) below;
- 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;
- 6) A description of, and planned operating conditions for, any emission control equipment ~~whichever~~ that will be used;
- 7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;
- 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this ~~paragraph~~ subsection and the criteria in subsection (e) below. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123.
- c) The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and shall require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

~~paragraph~~ subsection;

- d) Based on the waste analysis data in the trial burn plan, the Agency shall specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in 35 Ill. Adm. Code 721.Subpart D, the hazardous waste organic constituent of constituents identified in 35 Ill. Adm. Code 721.Appendix G or H as the basis for listing;
- e) The Agency shall approve a trial burn plan if it finds that:
- 1) The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;
 - 2) The trial burn itself will not present an imminent hazard to human health or the environment;
 - 3) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and
 - 4) The information sought in subsections (e)(1) and (e)(3) above cannot reasonably be developed through other means;
- f) During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:
- 1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
 - 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, molecular oxygen and hydrogen chloride (HCl);
 - 3) A quantitative analysis of the scrubber water (if any), ash residues and other residues, for the purpose of estimating the fate of the trial POHCs;
 - 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);
 - 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 35 Ill. Adm. Code 724.443(b);
 - 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);
 - 7) An identification of sources of fugitive emissions and their

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

means of control;

- 8) A measurement of average, maximum and minimum temperatures and combustion gas velocity;
- 9) A continuous measurement of carbon monoxide (CO) in the exhaust gas;
- 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating conditions required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard.

- g) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in subsection (f) above. This submission must be made within 90 days of completion of the trial burn, or later if approved by the Agency;
- h) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;
- i) All submissions required by this ~~paragraph~~ subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;
- j) Based on the results of the trial burn, the Agency shall set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(a) (198822), as amended at 530 Fed. Reg. 34934, ~~September 28, 1988~~ 46051 (Aug. 31, 1993).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsection (b) through (f) below. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) below.
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
 - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish in the Pretrial Burn Period of the permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

- A) Applicants must submit a statement, with part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202 (e).
 - B) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c) below, to be submitted with part B of the permit application.
 - 3) Post-trial burn period.
 - A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
 - B) Applicants shall submit a statement, with part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202-(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.
- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.
- 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:
 - A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride and ash;
 - B) Viscosity or description of the physical form of the feed stream;
 - 2) An analysis of each hazardous waste, as fired, including:
 - A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H which would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified as the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference, see at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent.†
 - B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", incorporated by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent.
- C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
- 3) A detailed engineering description of the boiler or industrial furnace, including:
- A) Manufacturer's name and model number of the boiler or industrial furnace;
 - B) Type of boiler or industrial furnace;
 - C) Maximum design capacity in appropriate units;
 - D) Description of the Feed system for the hazardous waste, and as appropriate, other fuels and industrial furnace feedstocks;
 - E) Capacity of hazardous waste feed system;
 - F) Description of automatic hazardous waste feed cutoff system(s); and
 - G) Description of any pollution control system; and
 - H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and sample analysis.
- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2)† above.
- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
- 7) A description of and planned operating conditions for any emission control equipment that will be used.
- 8) Procedures for rapidly stopping the hazardous waste feed

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and controlling emissions in the event of an equipment malfunction.

- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) above.

d) Trial burn procedures.

- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

- 2) The Agency shall approve a trial burn plan if the Agency finds that:

- A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107.

- B) The trial burn itself will not present an imminent hazard to human health and the environment;

- C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102-(e); and

- D) The information sought in the trial burn cannot reasonably be developed through other means.

- 3) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) above. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

- 4) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

- 5) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.

e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721-Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721-Appendix G as the basis for listing.

- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

- 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204-(a):

- A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

- B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and

- C) A computation of (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204-(a).

- 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204-(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.

- 4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206-(c) or (d) or 726.207-(b)-(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards;

- 5) When a trial burn for DRE, metals, and HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.204-(a), 726.206-(c) or (d), or 726.207-(b)-(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;

- 6) An identification of sources of fugitive emissions and their means of control;

- 7) A continuous measurement of carbon monoxide (CO), oxygen, and where required, hydrocarbons (HC), in the stack gas; and

- 8) Such other information as the Agency specifies as necessary

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

- g) Interim status boilers and industrial furnaces. for the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). Applicants ~~that~~ submit a trial burn plan and receive approval before submission of the part B permit application shall complete the trial burn and submit the results specified in subsection (f) above, with the part B permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant shall contact the Agency to establish a later date for submission of the part B application or the trial burn results. If the applicant submits a trial burn plan with part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.62 (1992), as amended at 58 Fed. Reg. 46051 (Aug. 31, 1993).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES
- 2) **Code Citation:** 35 Ill. Adm. Code 726
- 3) **Section Numbers:** Proposed Action:
726.203 Amendment
726.204 Amendment
726.206 Amendment
726.212 Amendment
726-Appendix G
- 4) **Statutory Authority:** Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in R94-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal Action

Summary

- 58 Fed. Reg. 38816, July 20, 1993 Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in Bif rules
- 58 Fed. Reg. 42466, Aug. 9, 1993 Determination not to list four large-volume wastes from Coal-fired electric utility power plants as Subpart D listed hazardous wastes
- 58 Fed. Reg. 46040, Aug. 31, 1993 Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporation by reference
- 58 Fed. Reg. 59598, Nov. 9, 1993 Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for Bif residues

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the older extraction procedure toxicity test (EP toxicity; Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1993. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part are prompted by the federal amendments of July 20 and November 9, 1993. The amendments to Sections 726.204 and 726.206 incorporate the updated air pollution control guidelines. The amendments to Sections 726.212 and 726.212 Appendix G effect the stay of the former health-based criteria for qualification for the Bevill exclusion. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include

ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary, and changes of equations and numbers to standard scientific notation. The corrections to Section 726.203 are excusively based on these types of amendments, and not on federal amendments.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

- C) Re-reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Bevill exclusion actually constitutes a regulatory relaxation.

- D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section
726.120
726.121

Applicability
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
Standards applicable to users of materials that are used in a manner that constitutes disposal

726.122

726.123

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section
726.130
726.131
726.132

Applicability (Repealed)
Prohibitions (Repealed)
Standards applicable to generators of hazardous waste fuel (Repealed)
Standards applicable to transporters of hazardous waste fuel (Repealed)
Standards applicable to marketers of hazardous waste fuel (Repealed)
Standards applicable to burners of hazardous waste fuel (Repealed)
Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

726.133

726.134

726.135

726.136

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section
726.140
726.141
726.142

Applicability (Repealed)
Prohibitions (Repealed)
Standards applicable to generators of used oil burned for energy recovery (Repealed)
Standards applicable to marketers of used oil burned for energy recovery (Repealed)
Standards applicable to burners of used oil burned for energy recovery (Repealed)

726.143

726.144

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section
726.170

Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section
726.180

Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 726.200 Applicability
 726.201 Management Prior to Burning
 726.202 Permit Standards for Burners
 726.203 Interim Standards for Burners
 726.204 Standards to Control Organic Emissions
 726.205 Standards to Control PM
 726.206 Standards to Control Metals Emissions
 726.207 Standards to Control HCl and Chlorine Gas Emissions
 726.208 Small quantity On-site Burner Exemption
 726.209 Low risk waste Exemption
 726.210 Waiver of DRE trial burn for Boilers
 726.211 Standards for Direct Transfer
 726.212 Regulation of Residues
 726.213 Extensions of Time
- 726.Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
 726.Appendix B Tier I Feed Rate Screening Limits for Total Chlorine
 726.Appendix C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
 726.Appendix D Reference Air Concentrations
 726.Appendix E Risk Specific Doses
 726.Appendix F Stack Plume Rise
 726.Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues
 726.Appendix H Potential PICs for Determination of Exclusion of Waste-Derived Residues
 726.Appendix I Methods Manual for Compliance with BIF Regulations
 726.Appendix J Guideline on Air Quality Models
 726.Appendix K Lead-Bearing Materials That May be Processed in Exempt Lead Smelters
 726.Appendix L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
 726.Table A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 17 Ill. Reg. _____, effective _____.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
 AND INDUSTRIAL FURNACES

Section 726.203 Interim Standards for Burners

a) Purpose, scope, applicability.

1) General.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure is fulfilled.
- B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with U.S. EPA pursuant to 40 CFR 266.103(b), incorporated by reference in subsection (b)7 below; provided, however, that U.S. EPA has not determined that the certification is invalid.
- C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator shall comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.
- 2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Sections 726.200(b) or 726.208.
- 3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: U.S. EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027.
- 4) Applicability of 35 Ill. Adm. Code 725 standards. Owners and operators of BIFs that burn hazardous waste and are operating under interim status are subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:
- A) In Subpart A of this Part (General), 35 Ill. Adm. Code 725.104;
- B) In Subpart B of this Part (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;
- C) In Subpart C of this Part (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;
- D) In Subpart D of this Part (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;
- E) In Subpart E of this Part (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

F) In Subpart G of this Part (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;

G) In Subpart H of this Part (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243 and 725.247 through 725.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 725.247 and 725.248;

H) In Subpart BB of this Part (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).

5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B) above) at any location other than the hot end where products are normally discharged or where fuels are normally fired:

A) Controls.

i) The hazardous waste must be fed at a location where combustion gas temperatures are at least 1800°F;

ii) The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;

iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and

iv) The HC controls of Section 726.204(f) or subsection (c)(5) below apply upon certification of compliance under subsection (c) below, irrespective of the CO level achieved during the compliance test.

B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of these criteria:

i) The hazardous waste has a total concentration of nonmetal compounds listed in 35 Ill. Adm. Code 721.102, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or

ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.

6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c) below, owners and operators shall not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that:

A) Hazardous waste may be burned solely as an ingredient; or

B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours; or

C) Such waste may be burned if the Agency has documentation to show that, prior to August 21, 1991:

i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, 35 Ill. Adm. Code 725.204, 725.205 or P; and

ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for 35 Ill. Adm. Code 725.204, 725.205 or P; and

iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or

D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

this claim.

- 7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator shall comply with Section 726.211.
- b) Certification of precompliance.
 - 1) The Board incorporates by reference 40 CFR 266.103(b)(1992) ; amended at 57 Fed. Reg. 38564, August 25, 1992. This Section incorporates no later editions or amendments.
 - 2) Certain owners and operators were required to file a certification of precompliance with U.S. EPA by August 21, 1991, pursuant to 40 CFR 266.103(b). No separate filing is required with the Agency.
- c) Certification of compliance. The owner or operator shall conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv) above, under the procedures prescribed by this subsection, except under extensions of time provided by subsection (c)(7) below. Based on the compliance test, the owner or operator shall submit to the Agency, on or before August 21, 1992, a complete and accurate "certification of compliance" (under subsection (c)(4) below) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1) below.
 - 1) Limits on operating conditions. The owner or operator shall establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D) below) or as otherwise specified and include these limits with the certification with compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Section 726.204(b) through (e), 726.205, 726.206, 726.207 and subsection (a)(5)(A)(iv) above, at all times when there is hazardous waste in the unit.
 - A) Feed rate of total hazardous waste and (unless complying the Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;
 - B) Feed rate of each metal in the following feedstreams:
 - 1) Total feedstreams, except that industrial furnaces that must comply with the alternative metals implementation approach under subsection (c)(3)(B) below, must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metal feed rate screening limits determined

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

under subsection 726.206(b) or (e).

- BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(1) and (c)(1)(ii)(A)(2) are condensed into the above subsection.
- ii) Total hazardous waste feed (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and
 - iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under subsection 726.206 (b) or (e)).
- C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under subsection 726.207(b)(1) or (e);
 - D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;
 - E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;
 - F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under subsection 726.207(b)(1) or (e) and for all metals under subsection 726.207(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under subsection 726.205;
 - G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
 - H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));
 - I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

- i) Minimum liquid to flue gas ratio;
 - ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and
 - iii) Minimum pH level of the scrubber water;
- J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));
- K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):
- i) Minimum caustic feed rate; and
 - ii) Maximum flue gas flow rate;

L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

- i) Minimum electrical power in kVA to the precipitator plates; and
- ii) Maximum flue gas flow rate;

M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3) below, the owner or operator shall notify the Agency and submit the following information:

- A) General facility information including:
 - i) U.S. EPA facility ID number;
 - ii) Facility name, contact person, telephone number

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and address;

- iii) Person responsible for conducting compliance test, including company name, address and telephone number, and a statement of qualifications;

- iv) Planned date of the compliance test;

B) Specific information on each device to be tested including:

- i) A description of BIF;
- ii) A scaled plot plan showing the entire facility and location of the BIF;
- iii) A description of the APCs;
- iv) Identification of the continuous emission monitors that are installed, including: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system and, if the temperature is less than 150-°C, an explanation of why a heated system is not used (see subsection (c)(5) below) and a brief description of the sample gas conditioning system;
- v) Indication of whether the stack is shared with another device that will be in operation during the compliance test;
- vi) Other information useful to an understanding of the system design or operation.

C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:

- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and
- ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1) above.

3) Compliance testing.

- A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b) above, and under conditions established in the notification of compliance testing required by subsection (c)(2) above. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

testing a similar on-site unit. To support the request, the owner or operator shall provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency shall provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCs shall comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

- i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Section 726. Appendix I-4(e)(1); or
- ii) Stack emissions testing for a minimum of 6 hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCs is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1) above) must be established during compliance testing under this subsection (c)(3) only on the following parameters: feed rate of total hazardous waste; Total feed rate of total chlorine and chloride in total feed streams; Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; Maximum production rate of the device in appropriate units when producing normal product; or

iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) above only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

C) Conduct of compliance testing.

- i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
 - ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsections (c)(3)(B)(i) or (c)(3)(B)(ii) above, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.
 - iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1) above.
- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator shall certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv) above. The certification of compliance must include the following information:
- A) General facility and testing information including:
 - i) U.S. EPA facility ID number;
 - ii) Facility name, contact person, telephone number and address;
 - iii) Person responsible for conducting compliance testing, including company name, address and telephone number, and a statement of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

qualifications;

- iv) Date(s) of each compliance test;
 - v) Description of BIF tested;
 - vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary.
 - vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) above, and an explanation of why the changes were necessary;
 - viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) above, and an explanation of why the changes were necessary; and
 - ix) The complete report on results of emissions testing.
- B) Specific information on each test including:
- i) Purpose(s) of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas and CO)
 - ii) Summary of test results for each run and for each test including the following information:
Date of run; Duration of run; Time-weighted average and highest hourly rolling average CO level for each run and for the test; Highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; If dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(g)); Time-weighted average PM emissions for each run and for the test; Time-weighted average HCl and chlorine gas emissions for each run and for the test; Time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

C) Comparison of the actual emissions during each test

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

with the emissions limits prescribed by Sections 726.204(b), (c) and (e), 726.205, 726.206 and 726.207 and established for the facility in the certification of precompliance under subsection (b) above.

D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) above using either of the following procedures:

- i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test; or
- ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.
- iii) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) above or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from 2 to 24 hours: The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; The continuous monitor is as defined in Section 726.200(g). And the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run.
- iv) Feed rate limits for metals, total chlorine and chloride and ash. Feed rate limits for metals, total chlorine and chloride and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii) above.

E) Certification of compliance statement. The following

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manages the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

- 5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by Sections 726.204(c) or subsection (a)(5)(A)(iv) above, a conditioned gas monitoring system may be used in conformance with specifications provided in Section 726.204(f) provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7) below. However, owners or operators of facilities electing to comply with the alternative hydrocarbon provision of Section 726.204(f) and requesting a time extension under Section 726.219(b) may establish the baseline HC level and comply with the interim HC limit established by the time extension using a conditioned gas monitoring system if the Board determines that the owner or operator has also demonstrated a good faith effort to operate a heated monitoring system but found it to be impracticable.

- 6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must:

- A) When complying with the requirements of subsection (c)(3)(B)(i) above, comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Section 726. Appendix

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

I-~~"eye"~~; and

- B) When complying with the requirements of subsection (c)(3)(B)(i) above, comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.
- A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 by August 21, 1992, the owner or operator shall either:
- i) Stop burning hazardous waste and begin closure activities under subsection (l) below for the hazardous waste portion of the facility; or
 - ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or
 - iii) Obtain a case-by-case extension of time under subsection (c)(7)(B) below.
- B) Case-by-case extensions of time. See Section 726.219.
- 8) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:
- A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207;
 - B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Agency and submit the following information:
 - i) U.S. EPA facility ID number, and facility name, contact person, telephone number and address;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;
- iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 are not likely to be exceeded. To document this determination, the owner or operator shall submit the applicable information required under subsection (b)(2) above; and
- iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 when operating under revised operating conditions. The protocol shall include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator shall notify the Agency in writing at least 30 days prior to the revised date of the compliance test;
- C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207; and
- D) Submit a revised certification of compliance under subsection (c)(4) above.
- d) Periodic Recertifications. The owner or operator shall conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c) above within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator shall comply with the requirements of subsection (c)(8) above.
- e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c) and (d) above, hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (1) below, and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (1) below and 35 Ill. Adm. Code 725.212(d)(2) and 725.213, the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.
- g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3) above, and upon certification of compliance under subsection (c) above, a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (c)(1)(E) through (c)(1)(M) above deviate from those established in the certification of compliance. In addition:
- 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either:
 - A) If compliance with the combustion chamber temperature limit is based on a hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
 - B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and
 - 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.
- h) Fugitive emissions. Fugitive emissions must be controlled by:
- 1) Keeping the combustion zone totally sealed against fugitive emissions; or
 - 2) Maintaining the combustion zone pressure lower than atmospheric pressure; or
 - 3) An alternate means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.
- i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

j) Monitoring and Inspections.

- 1) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:
 - A) Feed rates and composition of hazardous waste, other fuels and industrial furnace feed stocks, and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;
 - B) CO, oxygen and, if applicable, HC, on a continuous basis at a common point in the Bif downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC and oxygen monitors must be installed, operated and maintained in accordance with methods specified in Section 726.206 and 726.207.
 - C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.
- 2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.
- 3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.
- 4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.
- k) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the BIF unit.
- l) Closure. At closure, the owner or operator shall remove all

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and shall comply with 35 Ill. Adm. Code 725.211 through 725.215.

(Source: Amended at 18 Ill. Reg. _____, effective _____)
 Section 726.204 Standards to eControl Organic Emissions

a) DRE standard.

- 1) General. Except as provided in subsection (a)(3) below, a BIF burning hazardous waste must achieve a DRE of 99.99% for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99% DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2) below) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100(I - O)/I$$

where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in 35 Ill. Adm. Code 721. Appendix H that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in 35 Ill. Adm. Code 721. Appendix H or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

- 3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) U.S. EPA Hazardous Wastes Nos. F020, F021, F022, F023, F026 or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each POHC designated (under subsection (a)(2) above) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta- and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- (a)(1) above. In addition, the owner or operator of the BIF shall notify the Agency of intent to burn U.S.-EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.
- 4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) above and are exempt from the DRE trial burn.
- 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) above and are exempt from the DRE trial burn.
- b) CO standard.
- 1) Except as provided in subsection (c) below, the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to 7 percent oxygen, dry gas basis.
- 2) CO and oxygen must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726. Appendix I-(eye).
- 3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.
- c) Alternative CO standard.
- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by subsection (f) below, for certain industrial furnaces.
- 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to 7 percent oxygen, dry gas basis.
- 3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726. Appendix I-(eye). CO and oxygen must be continuously monitored in conformance with subsection (b)(2) above.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to 7 percent oxygen, dry gas basis.
- d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits provided by subsections (c) above or (f) below irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b) above.
- e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450 through 750°F, and industrial furnaces operating under an alternative HC limit established under subsection (f) below, shall conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1.6×10^{-5} (1 in 100,000):
- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins (PCDDs) and dibenzofurans (CDDs/CDFs) using Method 23, "Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans (PCDDs) from Stationary Sources", in Section 726. Appendix I-(eye);
- 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Section 726. Appendix I-(eye). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
- 3) Conduct dispersion modeling using methods recommended in 40 CFR 51, Appendix W, as incorporated by reference at 35 Ill. Adm. Code 720.111 ("Guideline on Air Quality Models (Revised)" (1986) and its supplements), or the "Hazardous Waste Combustion Air Quality Screening Procedure", which are provided in Appendixes I and J, respectively, or BAAQBA screening procedure as described in "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2) above. The maximum annual average on-site concentration must be used when a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

person resides on-site; and

- 4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Section 726. Appendix E (2.2E-07x10⁻⁷) must not exceed 1.0.
- f) Alternative HC limit for furnaces with organic matter in raw material. For industrial furnaces that cannot meet the 20 ppmv HC limit because of organic matter in normal raw material, the Agency shall establish an alternative HC limit on a case-by-case basis (under a Part B permit proceeding) at a level that ensures that flue gas HC (and CO) concentrations when burning hazardous waste are not greater than when not burning hazardous waste (the baseline HC level) provided that the owner or operator complies with the following requirements. However, cement kilns equipped with a by-pass duct meeting the requirements of subsection (g) below are not eligible for an alternative HC limit.
 - 1) The owner or operator shall demonstrate that the facility is designed and operated to minimize HC emissions from fuels and raw materials, and that the facility is producing normal products under normal operating conditions feeding normal feedstocks and fuels when the baseline HC (and CO) level is determined. The baseline HC level is defined as the average over all valid test runs of the highest hourly rolling average value for each run when the facility does not burn hazardous waste, adjusted as appropriate to consider the variability of hydrocarbon levels under good combustion operating conditions. The baseline CO level is determined based on the test runs used to establish the baseline HC level and is defined as the average over all test runs of the highest hourly rolling average CO value for each run. More than one baseline level must be determined if the facility operates under different modes that generate significantly different HC (and CO) levels;
 - 2) The owner or operator shall develop an approach to monitor over time changes in the operation of the facility that could reduce the baseline HC level;
 - 3) The owner or operator shall conduct emissions testing during the trial burn to:
 - A) Determine the baseline HC (and CO) level;
 - B) Demonstrate that, when hazardous waste is burned, HC (and CO) levels do not exceed the baseline level; and
 - C) Identify the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H, that are emitted and conduct dispersion modeling to predict the maximum annual average ground level concentration of each organic compound. On-site ground level concentrations must be considered for this evaluation if a person resides on site.
 - i) Sampling and analysis of organic emissions must

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- be conducted using procedures prescribed by the Agency pursuant to 35 Ill. Adm. Code 703.208(a).
- ii) Dispersion modeling must be conducted according to procedures provided by subsection (e)(2) above; and
 - D) Demonstrate that maximum annual average ground level concentrations of the organic compounds identified in subsection (f)(3)(C) above do not exceed the following levels:
 - i) For the noncarcinogenic compounds listed in Section 726. Appendix D, the levels established in that Section ~~726. Appendix B~~;
 - ii) For the carcinogenic compounds listed in Section 726. Appendix E, the sum for all compounds of the ratios of the actual ground level concentration to the level established in that Section ~~726. Appendix B~~ cannot exceed 1.0. To estimate the health risk from chlorinated dibenzo-p-dioxins and dibenzofuran congeners, use the procedures prescribed by subsection (e)(3) above to estimate the 2,3,7,8-TCDD toxicity equivalence of the congeners.
 - iii) For compounds not listed in Section 726. Appendix D or 726. Appendix E, 0.1 ~~µg/eq-m (micrograms per cubic meter)~~.
 - 4) All HC levels specified under this subsection are to be monitored and reported as specified in subsections (c)(1) and (e)(2) above.
- Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c) and (d) above by monitoring in the by-pass duct provided that:
- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
 - 2) The by-pass duct diverts a minimum of 10% of kiln off-gas into the duct.
- Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) above and comprehensive organic emissions testing under subsection (f) above is conducted.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 726.206 Standards to eControl Metals Emissions

- a) General. The owner or operator shall comply with the metals standards provided by subsections (b), (c), (d), (e) or (f) below for each metal listed in subsection (b) below, that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, 4SW-8467, incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Section 726.202(e) as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) below.
- 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the screening limits specified in Section 726.202(e)(6)(A)(ii); or
- A) The feed rate screening limits for antimony, barium, mercury, thallium and silver are based on either:
- i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or
- ii) An instantaneous limit not to be exceeded at any time.
- B) The feed rate screening limit for lead is based on one of the following:
- i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);
- ii) An averaging period of 2 to 24 hours as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or
- iii) An instantaneous limit not to be exceeded at any time.
- 2) Carcinogenic metals.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Section 726.202(e)(6)(B). The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Section 726.202(e)(6)(B) must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^n \frac{A_i}{F_i} \leq 1.0$$

$$\frac{\sum(A_i/F_i)}{n} \leq 1.0$$

where:

$\sum(A_i/F_i)$ means the sum of the values of A_i/F_i for each metal "i", from $i = 1$ to n .

n = number of carcinogenic metals

A_i = the actual feed rate to the device for metal "i"

F_i = the feed rate screening limit provided by Section 726.202(e)(6)(B) for metal "i".

- B) The feed rate screening limits for the carcinogenic metals are based on either:

- i) An hourly rolling average; or
- ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.

- 3) TESH (terrain adjusted effective stack height).

- A) The TESH is determined according to the following equation:

$$TESH = H + P - T$$

where:

H = Actual physical stack height (m)

P = Plume rise (in m) as determined from Section 726.202(e)(6)(B) as a function of stack flow rate and stack gas exhaust

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

temperature.

T = Terrain rise (in m) within five kilometers of the stack.

- B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(g).

- C) If the TESH calculated pursuant to subsection (b)(3)(A) above is not listed in Section 726.200 Appendix A through 726.200 Appendix C, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.

- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within 5 kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

- 5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Section 726.200 Appendix I ("eye") or Section 726.200 Appendix J shall be used.

- 6) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H^* \times \frac{V}{V^*} \times \frac{T}{T^*}$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

V = stack gas flow rate ($\text{cu-m}^3/\text{sec}$ (cubic meters per second)); and

T = exhaust temperature (degrees K).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities shall comply with either the Tier III standards provided by subsection (d)7 below or with the adjusted Tier I feed rate screening limits provided by subsection (e) below.

- A) The device is located in a narrow valley less than one kilometer wide;

- B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;

- C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake;

- D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building; or

- 8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.

- c) Tier II emission rate screening limits. Emission rate screening limits are specified in Section 726.200 Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) above.

- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Section 726.200 Appendix A.

- 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Section 726.200 Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Section 726.200 Appendix A must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^n \frac{A_i}{E_i} \leq 1.0$$

$$\text{SUM}(A_i/E_i) \leq 1.0$$

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

where:

$\sum_{i=1}^n A_i/E_i$ means the sum of the values of A_i/E_i for each metal "i", from $i = 1$ to n .

n = number of carcinogenic metals

A_i = the actual emission rate to the device for metal "i"

E_i = the emission rate screening limit provided by Section 726.200(g) for metal "i".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

- 4) Definitions and limitations. The definitions and limitations provided by subsection (b) above, and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.

- 5) Multiple stacks.

- A) Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
- B) The worst-case stack is determined by procedures provided in subsection (b)(6) above.
- C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.
- d) Tier III site-specific risk assessment. The requirements of this subsection apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.
- 1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.

- 2) Acceptable ambient levels. Sections 726.200 and 726.201 list the acceptable ambient levels for purposes of this Subpart. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 10^{-6} to 10^{-10} RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD as described in subsection (d)(3) below.
- 3) Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\sum_{i=1}^n \frac{P_i}{R_i} \leq 1.0$$

$$\text{SUM}(P_i/R_i) \leq 1.0$$

where:

$\sum_{i=1}^n P_i/R_i$ means the sum of the values of P_i/R_i for each metal "i", from $i = 1$ to n .

n = number of carcinogenic metals

P_i = the predicted ambient concentration for metal i.

R_i = the RSD for metal i.

- 4) Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.
- 5) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient

- 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50% by weight normal, nonhazardous raw materials;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Cement kilns. Cement kilns must process at least 50% by weight normal cement-production raw materials;
- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:
- 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721. Appendix H constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in 35 Ill. Adm. Code 721. Appendix H that may be PICs. Sampling and analyses must be in conformance with procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) of the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator shall use statistical procedures prescribed in "Statistical Methodology for Bevill Residue Determinations" in Section 726. Appendix I—~~Eye~~.

B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A) above. If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

- 2) Comparison of waste-derived residue concentrations with health-based limits.

A) Nonmetal constituents. The concentrations of each nonmetal toxic constituent of concern (specified in subsection (b)(1) above) in the waste-derived residue must not exceed the health-based levels specified in Section 726. Appendix G, or the level of detection (using analytical procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher. If a health-based limit for a constituent of concern is not listed in Section 726. Appendix G, then a limit of 0.002 $\mu\text{g}/\text{kg}$ or the level of detection (using analytical procedures prescribed in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used. The levels specified in Section 726. Appendix G (and the default level of 0.002 $\mu\text{g}/\text{kg}$ or the level of detection for constituents, as identified in Note 1 of Section 726. Appendix G) are administratively stayed under the condition, for those constituents specified in subsection (b)(1) above, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and 728. Table B for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable U.S. EPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until U.S. EPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and 728. Table B for F039 nonwastewaters. The stay will remain in effect until further rule-making action is taken; and

- B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Section 726. Appendix G; and
- C) Sampling and analysis. Wastewater-derived residue

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24 hour period has concentrations of toxic constituents which are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24 hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

- c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

- 1) Levels of constituents in 35 Ill. Adm. Code 721. Appendix H that are present in waste-derived residues;
- 2) If the waste-derived residue is compared with normal residue under subsection (b)(1), above:
 - A) The levels of constituents in 35 Ill. Adm. Code 721. Appendix H that are present in normal residues; and
 - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 726. Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues

BOARD-NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for 35 Ill. Adm. Code 721. Appendix H constituents for which a health-based concentration is not provided below is 0.002 $\mu\text{g}/\text{kg}$ (0.000002E-06 mg/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 $\mu\text{g}/\text{kg}$ (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and 728. Table B for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits (mg/L)
-------------	---------	-----------------------------

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Constituent	CAS No.	Nonmetals-Residue Concentration Limits	Concentration limits for residues (mg/kg)
Antimony	7440-36-0		1.E+00
Arsenic	7440-38-2		5.E+00
Barium	7440-39-3		100.E+00
Beryllium	7440-41-7		0.007E-03
Cadmium	7440-43-9		1.E+00
Chromium	7440-47-3		5.E+00
Lead	7439-92-1		5.E+00
Mercury	7439-97-6		0.2E-01
Nickel	7440-02-0		70.E+01
Selenium	7782-49-2		1.E+00
Silver	7440-22-4		5.E+00
Thallium	7440-28-0		7.E+00
Constituent			
Acetonitrile	75-05-8		0.2E-01
Acetophenone	98-86-2		4.E+00
Acrolein	107-02-8		0.5E-01
Acrylamide	79-06-1		0.002E-04
Acrylonitrile	107-13-1		0.007E-04
Aldrin	309-00-2		0.00002E-
Allyl alcohol	107-18-6		0.2E-01
Aluminum phosphide	20859-73-8		0.01E-02
Aniline	62-53-3		0.06E-02
Barium cyanide	542-62-1		1.E+00
Benz(a)anthracene	56-35-3		0.001E-04
Benzene	71-43-2		0.005E-03
Benzidine	92-87-5		0.000001E-
Bis(2-chloroethyl) ether	111-44-4		0.0003E-04
Bis(chloromethyl) ether	542-88-1		0.00002E-
Bis(2-ethylhexyl) phthalate	117-81-7		30.E+01
Bromoform	75-25-2		0.7E-01
Calcium cyanide	592-01-8		0.000001E-
Carbon disulfide	75-15-0		4.E+00
Carbon tetrachloride	56-23-5		0.005E-03
Chlordane	57-74-9		0.0003E-04
Chlorobenzene	108-90-7		1.E+00
Chloroform	67-66-3		0.06E-02
Copper cyanide	544-92-3		0.2E-01
Cresols (Cresylic acid)	1319-77-3		2.E+00
Cyanogen	460-19-5		1.E+00
DDT	50-29-3		0.001E-03
Dibenz(a, h)-anthracene	53-70-3		0.000007E-
1,2-Dibromo-3-chloropropane	96-12-8		0.00002E-
p-Dichlorobenzene	106-46-7		0.07.EB-02
Dichlorodifluoromethane	75-71-8		7.E+00
1,1-Dichloroethylene	75-35-4		0.005E-03

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2,4-Dichlorophenol	120-83-2	0.1E-01	Pentachlorophenol	87-86-5	1.5E-00
1,3-Dichloropropene	542-75-6	0.001E-03	Phenol	108-95-2	1.5E-00
Dieldrin	60-57-1	0.00002E-	Phenylmercury acetate	62-38-4	0.003E-03
		05	Phosphine	7803-51-2	0.01E-02
Diethyl phthalate	84-66-2	30.5E+01	Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005E-
Diethylstilbestrol	56-53-1	0.0000007E-07			05
Dimethoate	60-51-5	0.03E-02	Potassium cyanide	151-50-8	2.5E-00
2,4-Dinitrotoluene	121-14-2	0.0005E-04	Potassium silver cyanide	506-61-6	7.5E-00
Diphenylamine	122-39-4	0.9E-01	Pronamide	23950-58-5	3.5E-00
1,2-Diphenylhydrazine	122-66-7	0.0005E-04	Pyridine	110-86-1	0.04E-02
Endosulfan	115-29-7	0.002E-03	Reserpine	50-55-5	0.00003E-
Endrin	72-20-8	0.0002E-04			05
Epichlorohydrin	106-89-8	0.04E-02	Selenourea	630-10-4	0.2E-01
Ethylene dibromide	106-93-4	0.0000004E-07	Silver cyanide	506-64-9	4.5E-00
		05	Sodium cyanide	143-33-9	1.5E-00
Ethylene oxide	75-21-8	0.0003E-04	Strychnine	57-24-9	0.01E-02
Fluorine	7782-41-4	4.5E+00	1,2,4,5-Tetrachlorobenzene	95-94-3	0.01E-02
Formic acid	64-18-6	70.5E+01	1,1,2,2-tetrachloroethane	79-34-5	0.002E-03
Heptachlor	76-44-8	0.00008E-	Tetrachloroethylene	127-18-4	0.7E-01
		05		58-90-2	0.01E-02
Heptachlor epoxide	1024-57-3	0.00004E-	Tetraethyl lead	78-00-2	0.000004E-
		05			06
Hexachlorobenzene	118-74-1	0.0002E-04	Thiourea	62-56-6	0.0002E-04
Hexachlorobutadiene	87-68-3	0.005E-03	Toluene	108-88-3	10.5E+01
Hexachlorocyclopentadiene	77-47-4	0.2E-01	Toxaphene	8001-35-2	0.005E-03
Hexachlorodibenzo-p-dioxins	19408-74-3	0.00000006E-	Trichloroethylene	79-00-5	0.006E-03
		06	Trichloromonofluoromethane	79-01-6	0.005E-03
Hexachloroethane	67-72-1	0.03E-02	2,4,5-Trichlorophenol	75-69-4	10.5E+01
Hydrazine	302-01-1	0.0001E-04	2,4,6-Trichlorophenol	95-95-4	4.5E-00
Hydrogen cyanide	74-90-8	0.00007E-	Vanadium pentoxide	88-06-2	4.5E-00
		05		1314-62-1	0.7E-01
Hydrogen sulfide	7783-06-4	0.000001E-	Vinyl chloride	75-01-4	0.002E-03
		06			
Isobutyl alcohol	78-83-1	10.5E+01	(Source: Amended at 18 Ill. Reg. _____, effective _____)		
Methomyl	16752-77-5	1.5E+00			
Methoxychlor	72-43-5	0.1E-01			
3-Methylcholanthrene	56-49-5	0.00004E-			
		05			
4,4'-Methylenebis (2-chloroaniline)	101-14-4	0.002E-03			
Methylene chloride	75-09-2	0.05E-02			
Methyl ethyl ketone (MEK)	78-93-3	2.5E+00			
Methyl hydrazine	60-34-4	0.0003E-04			
Methyl parathion	298-00-0	0.02E-02			
Naphthalene	91-20-3	10.5E+01			
Nickel cyanide	557-19-7	0.7E-01			
Nitric oxide	10102-43-9	4.5E+00			
Nitrobenzene	98-95-3	0.02E-02			
N-Nitrosodi-n-butylamine	924-16-3	0.00006E-			
		05			
N-Nitrosodiethylamine	55-18-5	0.000002E-			
		06			
N-Nitroso-N-methylurea	684-93-5	0.000001E-07			
N-Nitrosopyrrolidine	930-55-2	0.0002E-04			
Pentachlorobenzene	608-93-5	0.03E-02			
Pentachloronitrobenzene (PCNB)	82-68-8	0.1E-01			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES2) Code Citation: 35 Ill. Adm. Code 7243) Section Numbers: Proposed Action:724.290
724.414
Amendment
Amendment4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's 15-page proposed opinion of April 21, 1994, in 894-7, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1022.4(a) [415 ILCS 5/22.4(a)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During this time the following federal actions occurred:

Federal ActionSummary

- 58 Fed. Reg. 38816, July 20, 1993
Revision of "Guideline on Air Quality Models" and codification as 40 CFR 51, appendix W; amendment of all references to the guideline in BIF rules
- 58 Fed. Reg. 42466, Aug. 9, 1993
Determination not to list four large-volume wastes from Coal-fired electric utility power plants as Subpart D listed hazardous wastes
- 58 Fed. Reg. 46040, Aug. 31, 1993
Update of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, to third edition, and amendments to incorporation by reference
- 58 Fed. Reg. 59598, Nov. 9, 1993
Amendment of the health-based standards for qualifying for the Bevill exemption from regulation for BIF residues

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The August 9, 1993 action did not result in federal regulatory amendments, so no Board action is necessary based on this action. Rather, it constituted a formal U.S. EPA determination not to amend the 40 CFR 261, subpart D rules to add listings for four additional wastes generated by coal-fired electric generating utility power plants: fly ash, bottom ash, boiler slag, and flue gas emission control waste. U.S. EPA determined that regulation of these four large-volume wastestreams as listed hazardous wastes was not necessary. U.S. EPA decided to continue to regulate them as exempt from RCRA Subtitle C regulation, but stated that it would study their regulation under RCRA Subtitle D (nonhazardous solid waste landfill regulations). The other three U.S. EPA actions do require Board action.

The amendments of July 20, 1993 were actually an air pollution control rulemaking that incidentally impacted the RCRA Subtitle C corrective actions. U.S. EPA updated and codified its "Guideline on Air Quality Models (Revised)", amended several references to the Guideline in its boiler and industrial furnaces (BIF) regulations, and repealed the former version of the Guideline. U.S. EPA also amended all references in the BIF rules to the "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" to an October, 1992 version.

U.S. EPA amended the analytical procedures applicable to RCRA Subtitle C-regulated hazardous wastes on August 31, 1993 by updating all references to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, to its third edition with one update. Since SW-846 includes the toxicity characteristic leaching procedure (TCLP; Method 1311) and the older extraction procedure toxicity test (EP toxicity: Method 1310), U.S. EPA deleted the codified versions of these methods from the regulations. U.S. EPA also updated other methods and references to methods. It added a bomb-acid digestion method for analyzing waste-derived fuel and deleted an analytical method for chlorinated dibenzodioxins and dibenzofurans.

U.S. EPA adopted regulations for the burning of hazardous waste in boilers and industrial furnaces (the BIF rules) on February 21, 1991. Those regulations included two tests for determining whether the residues derived from Bevill devices, such as kilns, primary smelters, boilers, etc. were exempted from hazardous waste regulation. The first test is whether the levels of hazardous constituents was not significantly higher than the normal residue of combustion. The second test is whether levels of contaminants in the residues do not exceed specified health-based levels. On November 9, 1993, U.S. EPA amended the Bevill exclusion by administratively staying the second, health-based levels, test. U.S. EPA substituted the land disposal restriction contaminant levels for nonwastewaters from part 268 for the health-based levels.

Specifically, the amendments to Part 724 are based on the federal amendments of August 31, 1993, incorporating the updated analytical methods of SW-846. The Board has followed the federal language very closely on all federally-derived amendments.

In addition to the federally-derived amendments, the Board has used this opportunity to make a number of routine amendments. These include corrections to Administrative Code format of various citations and segments of text, corrections to spelling and grammar where necessary, and changes of equations and numbers to standard scientific notation.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does these proposed amendments contain incorporations by reference?
Yes. 35 Ill. Adm. Code 720.111 is the central listing of documents incorporated by reference throughout the RCRA Subtitle C hazardous waste regulations, 35 Ill. Adm. Code 700 through 739. As described above, U.S. EPA updated several technical methods references. This has required amendment of 35 Ill. Adm. Code 720.111 and various segments of text that refer to the methods.
- 9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 21 and April 25, 1994.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Beville exclusion actually constitutes a regulatory relaxation.

- C) Reporting, bookkeeping or other procedures required for compliance:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The methods revisions will require small businesses employing those methods to use the revised methods. The stay of the health-based test for the Beville exclusion actually constitutes a regulatory relaxation.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Relationship to Interim Status Standards

Section
724.101
724.103

SUBPART B: GENERAL FACILITY STANDARDS

Applicability
Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

724.110
724.111
724.112
724.113
724.114
724.115
724.116
724.117
724.118
724.119

SUBPART C: PREPAREDNESS AND PREVENTION

Applicability
Design and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan
Emergency Coordinator
Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Applicability
Use of Manifest System
Manifest Discrepancies
Operating Record
Availability, Retention and Disposition of Records
Annual Report
Unmanifested Waste Report
Additional Reports

Section
724.170
724.171
724.172
724.173
724.174
724.175
724.176
724.177

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Applicability
Required Programs
Groundwater Protection Standard
Hazardous Constituents
Concentration Limits
Point of Compliance
Compliance Period
General Groundwater Monitoring Requirements
Detection Monitoring Program
Compliance Monitoring Program
Corrective Action Program
Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Applicability
Closure Performance Standard
Closure Plan; Amendment of Plan
Closure; Time Allowed For Closure
Disposal or Decontamination of Equipment, Structures and Soils
Certification of Closure
Survey Plat
Post-closure Care and Use of Property
Post-closure Plan; Amendment of Plan
Post-closure Notices
Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Applicability
Definitions of Terms As Used In This Subpart
Cost Estimate for Closure
Financial Assurance for Closure
Cost Estimate for Post-closure Care
Financial Assurance for Post-closure Care
Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
Liability Requirements
Inccapacity of Owners or Operators, Guarantors or Financial Institutions
Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Applicability
Condition of Containers
Compatibility of Waste With Container
Management of Containers
Inspections
Containment
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Closure

SUBPART J: TANK SYSTEMS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

724.290 Applicability
 724.291 Assessment of Existing Tank System's Integrity
 724.292 Design and Installation of New Tank Systems or Components
 724.293 Containment and Detection of Releases
 724.294 General Operating Requirements
 724.295 Inspections
 724.296 Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems
 724.297 Closure and Post-Closure Care
 724.298 Special Requirements for Ignitable or Reactive Waste
 724.299 Special Requirements for Incompatible Wastes
 724.300 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART K: SURFACE IMPOUNDMENTS

Section
 724.320 Applicability
 724.321 Design and Operating Requirements
 724.322 Action Leakage Rate
 724.323 Response Actions
 724.324 Monitoring and Inspection
 724.325 Emergency Repairs; Contingency Plans
 724.326 Closure and Post-closure Care
 724.327 Special Requirements for Ignitable or Reactive Waste
 724.328 Special Requirements for Incompatible Wastes
 724.329 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART L: WASTE PILES

Section
 724.350 Applicability
 724.351 Design and Operating Requirements
 724.352 Action Leakage Rate
 724.353 Response Action Plan
 724.354 Monitoring and Inspection
 724.355 Special Requirements for Ignitable or Reactive Waste
 724.356 Special Requirements for Incompatible Wastes
 724.357 Closure and Post-closure Care
 724.358 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART M: LAND TREATMENT

Section
 724.370 Applicability
 724.371 Treatment Program
 724.372 Treatment Demonstration
 724.373 Design and Operating Requirements
 724.374 Food-chain Crops
 724.375 Unsaturated Zone Monitoring
 724.376 Recordkeeping
 724.377 Closure and Post-closure Care
 724.380 Special Requirements for Ignitable or Reactive Waste
 724.381 Special Requirements for Incompatible Wastes
 724.382 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART N: LANDFILLS

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

724.400 Applicability
 724.401 Design and Operating Requirements
 724.402 Action Leakage Rate
 724.403 Monitoring and Inspection
 724.404 Response Actions
 724.405 Surveying and Recordkeeping
 724.406 Closure and Post-closure Care
 724.407 Special Requirements for Ignitable or Reactive Waste
 724.408 Special Requirements for Incompatible Wastes
 724.409 Special Requirements for Bulk and Containerized Liquids
 724.410 Special Requirements for Containers
 724.411 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
 724.412 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section
 724.440 Applicability
 724.441 Waste Analysis
 724.442 Principal Organic Hazardous Constituents (POHCs)
 724.443 Performance Standards
 724.444 Hazardous Waste Incinerator Permits
 724.445 Operating Requirements
 724.446 Monitoring and Inspections
 724.447 Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section
 724.652 Corrective Action Management Units
 724.653 Temporary Units

SUBPART W: DRIP PADS

Section
 724.670 Applicability
 724.671 Assessment of existing drip pad integrity
 724.672 Design and installation of new drip pads
 724.673 Design and operating requirements
 724.674 Inspections
 724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

Section
 724.700 Applicability
 724.701 Environmental Performance Standards
 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action
 724.703 Post-closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
 724.930 Applicability
 724.931 Definitions
 724.932 Standards: Process Vents
 724.933 Standards: Closed-vent Systems and Control Devices
 724.934 Test methods and procedures
 724.935 Recordkeeping requirements
 724.936 Reporting Requirements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	Applicability
724.950	Definitions
724.951	Standards: Pumps in Light Liquid Service
724.952	Standards: Compressors
724.953	Standards: Pressure Relief Devices in Gas/Vapor Service
724.954	Standards: Sampling Connecting Systems
724.955	Standards: Open-ended Valves or Lines
724.956	Standards: Valves in Gas/Vapor or Light Liquid Service
724.957	Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors
724.958	Standards: Delay of Repair
724.959	Standards: Closed-vent Systems and Control Devices
724.960	Standards: Alternative Percentage Standard for Valves
724.961	Standards: Skip Period Alternative for Valves
724.962	Standards: Test Methods and Procedures
724.963	Standards: Recordkeeping Requirements
724.964	Standards: Reporting Requirements
724.965	

SUBPART DD: CONTAINMENT BUILDINGS

Section	Applicability
724.1100	Design and operating standards
724.1101	Closure and post-closure care
724.1102	
724.Appendix A	Recordkeeping Instructions
724.Appendix B	EPA Report Form and Instructions (Repealed)
724.Appendix C	Cochran's Approximation to the Behrens-Fisher Student's T-Test
724.Appendix D	Examples of Potentially Incompatible Waste
724.Appendix E	Groundwater Monitoring List
724.Appendix F	

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 17 Ill. Reg. _____, effective _____; amended in R94-7 at 17 Ill. Reg. _____, effective _____.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART J: TANK SYSTEMS

Section 724.290 Applicability

The requirements of this Subpart apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in subsections (a), (b) or (c) below or in Section 724.101.

- a) Tank systems that are used to store or treat hazardous waste ~~which~~ that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in Section 724.293. To demonstrate the absence or presence of free liquids in the stored or treated waste, the following test must be used: U.S. EPA Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods" U.S. EPA Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.1117 ~~must be used.~~

- b) Tank systems, including sumps, are defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 724.293(a).

- c) Tanks, sumps and other such collection devices or systems used in conjunction with drip pads, as defined in 35 Ill. Adm. Code 720.110 and regulated under Subpart W of this Part, must meet the requirements of this Subpart.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

SUBPART N: LANDFILLS

Section 724.414 Special Requirements for Bulk and Containerized Liquids

- a) This subsection corresponds with 40 CFR 264.314(a), which pertains to pre May 8, 1985 actions, a date long since passed. This statement maintains structural consistency with U.S. EPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" U.S. EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 721.111.

- d) Containers holding free liquids must not be placed in a landfill unless;

1) All free-standing liquid;

A) has been removed by decanting or other methods;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
- C) has been otherwise eliminated; or
- 2) The container is very small, such as an ampule; or
- 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
- 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- e) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (e)(1) below; materials that pass one of the tests in subsection (e)(2) below; or materials that are determined by the Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

1) Nonbiodegradable sorbents are:

- A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal (activated carbon)); or
- B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, poly urethane, polycrylate, polynorbornene, polyisobutylene, ground synthetic rubber, cross-linked allylatrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or
- C) Mixtures of these nonbiodegradable materials.
- 2) Tests for nonbiodegradable sorbents:
- A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)--"Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 721.111; or
- B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)--"Standard Practice for Determining Resistance of Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 721.111.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- f) The placement of any liquids ~~which~~ that is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).
- (Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Ambulatory Surgical Treatment Center Licensing Requirements

2) Code Citation:

77 Ill. Adm. Code 205

3) Section Numbers:

205.115
205.118
205.120
205.125
205.130
205.410
205.620
205.1400
205.1410
205.1740
205.1750
205.1760
205.1780
205.1790

Proposed Action:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

Ambulatory Surgical Treatment Center Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 157-8.1 et seq.

[210 ILCS 5]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 205 govern the licensure of Ambulatory Surgical Treatment Centers (ASTCs).

Sections 205.118, 205.120, 205.125: These Sections are being revised to include a requirement that the name and address of the Illinois Registered Agent or person(s) legally authorized to receive service of process for each facility be provided to the Department at the time of initial and renewal licensure, and that the Department be notified within seven days of any change. The requirement does not apply to those ambulatory surgical treatment centers that are individually owned. This requirement is necessary to ensure that the Department has current information regarding who would be the legal representative designated to receive notice should the Department initiate legal action against a facility.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Sections 205.120, 205.125, 205.130: These Sections are being amended to delete the requirement that the Department must approve all surgical procedures to be performed in an ambulatory surgical treatment center. The amended rule will require that the facility's Consulting Committee approve all surgical procedures prior to their performance in an ambulatory surgical treatment center. Sections 205.120 and 205.125 are being amended to require that documentation of the Consulting Committee's approval be submitted with the initial and renewal applications. The amendments to Section 205.130 will require that the facility submit clinical statistical data regarding the number and type of surgical procedures performed, and any complications, hospitalizations or deaths associated with a procedure, on a quarterly basis. If, after reviewing the quarterly data, the Department questions the safety of a procedure because of the complications or hospitalizations reported as being associated with it, the facility's consulting committee will be required to review the reported cases and submit the results of that review to the Department within 30 days. The Department will be able to disapprove the performance of a procedure in a facility based upon any one of three conditions:

- 1) that the Department's review of the clinical statistical data and the Consulting Committee's report indicate that the procedure cannot be safely performed in an ambulatory surgical treatment center as indicated by life-threatening or repeated complications, or repeated postoperative hospitalizations; or
- 2) that the results of a complaint investigation indicated that the procedure in question is potentially life threatening or results in repeated complications or hospitalizations; or,
- 3) that evidence becomes available from other sources, such as a national study or a warning from the Food and Drug Administration or other regulatory body, that the procedure cannot be safely performed in an ambulatory setting.

The Department feels these amendments are appropriate for a number of reasons. The current requirement that all surgical procedures be submitted for approval has proven to be unduly burdensome for both the providers of the service and the Department. Many procedures are routinely performed in an ambulatory setting, and the majority have also been approved by the Health Care Financing Administration for performance in Medicare certified ambulatory surgery centers. To require Department approval prior to the performance of such procedures is duplicative and somewhat superfluous, since many of the procedures can be performed in a physician's office and all may be performed in a hospital-based ambulatory surgery setting without the Department's approval. The Department has also been unable to identify any other state that requires prior state approval of surgical procedures. The facility's Consulting Committee is the professional body held accountable for all other aspects of the care provided in an ambulatory surgical treatment center. Placing the responsibility for approval of the surgical procedures to be performed in a facility on the Consulting Committee is consistent with the remainder of the licensing requirements. The Department feels that frequent review of the procedures actually performed in a surgery center, and any subsequent complications or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

hospitalizations, will be more effective in ensuring the health and safety of the public than reviewing pages of surgical procedures that may be performed in the facility. The quarterly reports will allow the Department to hold the surgery centers more accountable for patient outcomes rather than mere paperwork compliance. Such a methodology will be a far more effective use of Department and facility resources than the previous extensive review process. The new requirements also set forth more clearly the conditions under which the Department will take action to disapprove a surgical procedure that has been shown to be associated with adverse patient outcomes.

Section 205.410: This amendment adds a new item under Section 205.410 that requires facilities using laser equipment to have documentation of registration of the equipment with the Illinois Department of Nuclear Safety as is required by the Laser System Act (420 ILCS 55). The facility must also have a written safety and maintenance program related to the use of the laser equipment. This requirement is necessary to ensure that facilities have complied with the registration requirements and that the laser equipment is being maintained and used in a way to insure patient and staff safety.

Section 205.620: This Section is being amended to require that the clinical statistical data that were previously reportable on an annual basis be reported quarterly, with reports due January 31, April 30, July 31 and October 31 for the previous calendar quarter. The reports will be used to evaluate patient outcomes on a more frequent basis and will be reviewed in conjunction with the amendments to Section 205.130 to evaluate the appropriateness of the surgical procedures performed. Increasing the frequency with which the reports are required will also force surgery centers to review the data on a quarterly rather than an annual basis, thus creating a more effective method of quality control within the facility.

Sections 205.115, 205.1400, 205.1410, 205.1740, 205.1750, 205.1760, 205.1780 and 205.1790: These Sections have been amended to update references to the National Fire Protection Association's (NFPA) Life Safety Code and various State statutes. The Life Safety Code reference is being updated for two reasons. First, the 1981 Code is no longer in print and is unavailable to facilities seeking to comply with the Ambulatory Surgical Treatment Center Licensing Requirements. Second, the 1991 Code provides greater flexibility in the use of equivalency concepts. In addition, NFPA 99, the Health Care Facilities Code, incorporates standards previously referenced in Appendix b of the Life Safety Code into one operational and maintenance standard. Use of the updated Code will facilitate provider compliance and eliminate confusion with the standards in the old code.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of this Notice in the Illinois Register.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No

9) Are there any other Proposed Amendments Pending on this Part?

Yes X No

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

205.350

Amendments

17 Ill. Reg. 16414

10) Statement of Statewide Policy Objectives:

This rulemaking will not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

B) Type of Small Businesses Affected:

Ambulatory surgical treatment centers

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

Professional skills necessary to meet licensure requirements as set forth in the existing rules in Part 205

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205

AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	Definitions
205.110	Incorporated and Referenced Materials
205.115	Conditions of Licensure
205.118	Application for Initial Licensure
205.120	Application for License Renewal
205.125	Approval of Surgical Procedures
205.130	

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	Ownership, Control and Management
205.210	Organizational Plan
205.220	Standards of Professional Work
205.230	Policies and Procedures Manual
205.240	

SUBPART C: PERSONNEL

Section	Personnel Policies
205.310	Presence of Qualified Physician
205.320	Nursing Personnel
205.330	Basic Life Support
205.340	Laboratory Services
205.350	

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	Equipment
205.410	Sanitary Facility
205.420	

SUBPART E: GENERAL PATIENT CARE

Section	Emergency Care
205.510	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

205.520 Preoperative Care
 205.530 Operative Care
 205.540 Postoperative Care

SUBPART F: RECORDS AND REPORTS

Section
 205.610 Clinical Records
 205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section
 205.710 Pregnancy Termination Specialty Centers
 205.720 Personnel (Repealed)
 205.730 General Patient Care (Repealed)
 205.740 Preoperative Requirements (Repealed)
 205.750 Postoperative Requirements (Repealed)
 205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section
 205.810 Complaints
 205.820 Notice of Violation
 205.830 Plan of Correction
 205.840 Adverse Licensure Action
 205.850 Fines and Penalties
 205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

205.1310 Plant and Service Requirements
 205.1320 General Considerations
 205.1330 New Construction, Additions and Major Alterations
 205.1340 Minor Alterations and Remodeling Changes
 205.1350 Administration Department and Public Areas
 205.1360 Clinical Facilities
 205.1370 Support Service Areas
 205.1380 Diagnostic Facilities
 205.1390 Other Building Services
 205.1400 Details and Finishes
 Construction, Including Fire Resistive Requirements, and Life Safety

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART J: MECHANICAL

Section
 205.1510 General
 205.1520 Thermal and Acoustical Insulation
 205.1530 Steam and Hot Water Systems
 205.1540 Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section
 205.1610 General
 205.1620 Plumbing Fixtures
 205.1630 Water System
 205.1640 Drainage Systems
 205.1650 Identification

SUBPART L: ELECTRICAL

Section
 205.1710 General
 205.1720 Switchboards and Power Panels
 205.1730 Panel boards
 205.1740 Lighting
 205.1750 Receptacles (Convenience Outlets)
 205.1760 Grounding
 205.1770 Equipment Installation in Special Areas
 205.1780 Emergency Electric Service
 205.1790 Fire Alarm System

TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 157-8.1 et seq.) [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367, amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 205.115 Incorporated and Referenced Materials

- a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

- 1) Private and professional association standards:

A) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Standard No. 52-68: Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matter (1968) [See Section 205.1540(f)] and Handbook of Fundamentals (1981) [See Section 205.1540(p)], which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017.

B) National Fire Protection Association (NFPA), ~~Chapter 12, Section 42-6 (Ambulatory Health Care Centers), and Chapter 26 (New Business Occupancies)~~ of Standard No. 101: Life Safety Code (1984⁹¹) [See Section 205.1400(a)] ~~and the following standards, which may be obtained from the National Fire Protection Association, Batterymarch Park, Massachusetts 02269.~~

- i) No. 56A-(1978) 99 (1990): ~~Inhalation Anesthetics Health Care Facilities Handbook.~~ [See Section 205.1410]
- ii) No. 70 (1984⁹³): National Electrical Code. [See Sections 205.1760, 205.1770 and 205.1780]
- iii) No. 80 (1984⁹⁰): Standard for Fire Doors and Windows. [See Section 205.1400(f)]
- iv) No. 90A (1978⁸⁹): Installation of Air Conditioning and Ventilating Systems. [See Section 205.1540]
- v) No. 90B (1984⁸⁹): Installation of Warm Air Heating and Air Conditioning Systems. [See Section 205.1540]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

vi) No. 255 (1979⁹⁰): Method of Test of Surface Burning Characteristics of Building Materials. [See Sections 205.1410 and 205.1520]

vii) No. 701 (1977⁸⁹): Standard Methods of Fire Tests for Flame-Resistant Textiles and Films. [See Section 205.1400(j)]

C) American Hospital Association, "Infection Control in the Hospital" (1979), which may be obtained from the American Hospital Association, 840 North Lake Shore Drive, Chicago, Illinois 60601. [See Section 205.410]

D) National Council on Radiation Protection (NCRP), Report No. 33: Medical X-ray and Gamma Ray Protection for Energies up to 10 MeV Equipment Design and Use (1968), and Report No. 49: Medical X-ray and Gamma Ray Protection for Energies up to 10 MeV Structural Shielding Design and Evaluation (1976), which may be obtained from the National Council on Radiation Protection and Measurement, P.O. Box 30175, Washington, D.C. 20014. [See Section 205.1400(g)]

E) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1974): Air Ducts, which may be obtained from Underwriters Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611. [See Section 205.1710]

2) Federal statutes and rules: Rules of the Health Care Financing Administration governing Medicare program coverage of Ambulatory Surgical Services (42 CFR 416) under Sections 1832(a)(2) and 1833 of the Social Security Act (42 U.S.C. 1395(a)(2) and 1395l). [See definition of "Ambulatory Surgical Treatment Center" in Section 205.110 and Section 205.130(d)]

3) State of Illinois Statutes:

A) Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1987⁹¹ ch. 111 1/2, par. 157-8.1 et seq.) [210 ILCS 5]

B) Illinois Dental Practice Act (Ill. Rev. Stat. 1987⁹¹ ch. 111, par. 2301 et seq.) [225 ILCS 25]

C) Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987⁹¹ ch. 111, par. 3501 et seq.) [225 ILCS 65]

D) Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987⁹¹ ch. 111, par. 4801 et seq.) [225 ILCS 100]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- E) Safety Glazing Materials Act (Ill. Rev. Stat. 198791, ch. 111 1/2, pars. 3101 et seq.) [430 ILCS 60]

4) State of Illinois Rules:

- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
- B) Department of Nuclear Safety, Radiation Protection (32 Ill. Adm. Code: Chapter 1, Subchapter b)

- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations in this Part refer to the regulations or standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Amended at 18 Ill. Reg. _____, effective _____)

Section 205.118

Conditions of Licensure

- a) THE APPLICANT SHALL FILE A STATEMENT OF OWNERSHIP as provided in Section 205.120(b)(1). THE APPLICANT SHALL AGREE TO UPDATE THE INFORMATION REQUIRED IN THE STATEMENT OF OWNERSHIP EVERY SIX MONTHS FROM THE INITIAL DATE OF FILING. (Section 7a of the Act)

b) Financial Statements

- 1) FINANCIAL STATEMENTS SHALL BE FILED annually on or before April 1, of each year for the previous calendar year, or within three months after the close of the fiscal period of the licensee.

- 2) FINANCIAL STATEMENTS SHALL BE FILED WITH THE DEPARTMENT on forms provided by the Department or on annual financial statements prepared on forms used by the applicant or licensee. They shall include at least the following items: detailed balance sheets, statements of income, and statements of expense. (Section 7b of the Act)

- c) EVERY FACILITY LICENSED UNDER THIS ACT, AND ANY PREMISES PROPOSED TO BE CONDUCTED AS A FACILITY BY AN APPLICANT FOR A LICENSE, SHALL BE OPEN DURING ITS REGULAR BUSINESS HOURS TO AN INSPECTION AUTHORIZED IN WRITING BY THE DIRECTOR. NO NOTICE NEED BE GIVEN TO ANY PERSON PRIOR TO ANY INSPECTION. (Section 9 of the Act)

- d) ANY CORPORATION OPERATING AN AMBULATORY SURGICAL TREATMENT CENTER DEVOTED PRIMARILY TO PROVIDING FACILITIES FOR ABORTION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

MUST HAVE A PHYSICIAN WHO IS LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES AND IS ACTIVELY ENGAGED IN THE PRACTICE OF MEDICINE AT THE CENTER, ON THE BOARD OF DIRECTORS AS A CONDITION TO LICENSURE OF THE CENTER. (Section 6.1 of the Act)

- e) EACH LICENSE SHALL BE ISSUED ONLY FOR THE PREMISES AND PERSONS NAMED IN THE APPLICATION AND SHALL NOT BE TRANSFERABLE OR ASSIGNABLE (Section 6 of the Act). Only those facilities, services, programs and procedures included in the application shall be licensed. A new application is required for any one or more of the following:

- 1) Change in ownership of the facility.
- 2) Change in location of the facility.
- 3) Any remodeling or other change in the facility's physical plant which increases or decreases the number of rooms in which surgical procedures are performed.

- f) THE LICENSE SHALL BE VALID FOR ONE YEAR, UNLESS SOONER SUSPENDED OR REVOKED, AND SHALL BE RENEWABLE ANNUALLY UPON APPROVAL BY THE DEPARTMENT AND PAYMENT OF A LICENSE FEE OF \$300 as provided in Section 205.125. (Section 6 of the Act)

- g) THE LICENSE SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE LICENSED PREMISES. A PLACARD OR REGISTRY OF ALL PHYSICIANS ON STAFF IN THE FACILITY SHALL BE CENTRALLY LOCATED AND AVAILABLE FOR INSPECTION TO ANY INTERESTED PERSONS. (Section 6 of the Act)

- h) The facility shall give written notice to the Department no later than seven days after any one or more of the following:

- 1) Any personnel changes involving the facility's administrative staff, medical director, staff physicians, or supervising nurse.
- 2) For a corporation, any change in any shareholders equity involving 5% or more interest.

- 3) Any change in the Registered Agent or person(s) legally authorized to receive service of process for the facility.

(Amended at 18 Ill. Reg. _____, effective _____)

Section 205.120

Application for Initial Licensure

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) AN APPLICATION FOR LICENSE SHALL BE MADE TO THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT (Section 5 of the Act). The application shall be submitted not less than sixty days prior to the date of intended operation and shall contain the information required under the Act and this Part.

- b) The initial application shall include the following information:

- 1) The names and addresses of all persons who own the facility, any names under which any of these persons do business, and the type of ownership of the facility (for example, individual, partnership, corporation, or association). In addition, a corporation shall submit:

- A) A copy of its certificate of incorporation.
 B) A list of the title, name and address of each of its corporate officers.
 C) A list of the name and address of each of its shareholders holding more than five percent of the shares.

- 2) For other than individual ownership, the name and address of the Illinois Registered Agent or person(s) legally authorized to receive service of process for the facility.

- 23) The names and addresses of all persons under contract to manage or operate the facility.

- 34) The location of the facility.

- 45) Information regarding any conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude in the last five years.

- 56) The name, address, telephone number, education, experience, credentials and any professional licensure or certification of the following persons:

- A) Administrator.
 B) Medical Director.
 C) Supervising Nurse.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 67) A list of the medical staff including name, specialty and license number.
 78) A list of all staff personnel including name, position, education, experience, and any professional licensure or certification.

- 89) A narrative description of the facility including but not limited to interviewing, examination, surgical and recovery room facilities.

- 910) A description of services to be provided by the facility including a list of surgical procedures to be performed and documentation of the Consulting Committee's approval of the list, ~~subject to approval in accordance with the requirements of Section 205.130.~~

- 101) Documentation of compliance with Section 205.350 of this Part.

- 142) A copy of the transfer agreement with a licensed hospital within approximately 15 minutes travel time of the facility or other documentation demonstrating compliance with Section 205.540(d) of this Part.

- 123) A copy of the organizational plan of the facility (see Section 205.220).

- 134) Schematic architectural plans.

- 145) Documentation of a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 198791, ch. 111 1/2, par. 1151 et seq.) 120 ILCS 39601.

- 156) Documentation of compliance with all applicable local building, utility, and safety codes.

- c) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT AND SHALL INCLUDE A VERIFICATION form acknowledging the application to be true and complete and certifying that the applicant has knowledge of and understands the action required to comply with the Act and licensing requirements. THE FORM SHALL BE VERIFIED by a notary public. (Section 5 of the Act)

- d) THE LICENSE APPLICATION SHALL BE ACCOMPANIED BY A LICENSE FEE OF \$500. (Section 5 of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 205.125 Application for License Renewal

- a) Application for license renewal shall be submitted on forms provided by the Department. Application for license renewal shall be submitted to the Department not less than 30 days

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

prior to the expiration date.

- b) An application for license renewal shall include the following information:

1) The names and addresses of all persons who own the facility, any names under which any of these persons do business, and the type of ownership of the facility (for example, individual, partnership, corporation, or association). In addition, a corporation shall submit:

- A) A list of the title, name and address of each of its corporate officers.
- B) A list of the name and address of each of its shareholders holding more than five percent of the shares.

2) ~~For other than individual ownership, the name and address of the Illinois Registered Agent or person(s) legally authorized to receive service of process for the facility.~~

23) The names and addresses of all persons under contract to manage or operate the facility.

34) The location of the facility.

45) Information regarding any conviction of the applicant, or if the applicant is a firm, partnership or association, of any of its members, or if the applicant is a corporation, of any of its officers or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude during the previous year.

56) The name, address, and telephone number of the administrator, medical director, and supervising nurse. In addition, the education, experience, credentials and any professional licensure or certification of these individuals must also be submitted if this information was not submitted with the initial application or a prior renewal application or if this information has changed since the prior submission.

67) A list of the medical staff including name, specialty and license number.

78) A list of all staff personnel including name, position, education, experience, and any professional licensure or certification.

89) A list of surgical procedures being performed at the facility and documentation of the Consulting Committee's approval of the list. ~~any new procedures which are included in this list must be identified and are subject to approval in accordance with the requirements of Section 205.130.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- c) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT AND SHALL INCLUDE A VERIFICATION form acknowledging the application to be true and complete and certifying that the applicant has knowledge of and understands the action required to comply with the Act and licensing requirements. THE FORM SHALL BE VERIFIED by a notary public. (Section 5 of the Act)

- d) The license renewal application shall be accompanied by A LICENSE RENEWAL FEE OF \$300. (Section 6 of the Act)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 205.130 Approval of Surgical Procedures

- a) The list of surgical procedures performed by a center shall be included in the application as provided in Section 205.120 and in the renewal application as provided in Section 205.125. ~~New procedures may be added by the center by submitting a list of the new procedures to the Department. All new procedures shall be approved by the center's Consulting Committee prior to submission to the Department. The Department will respond to a request to add new procedures no later than thirty days after receipt of the request. All surgical procedures to be performed in a facility must be approved by the facility's Consulting Committee prior to their performance, and annually reviewed and reapproved. Documentation of the approval must be submitted with the initial and renewal applications.~~

- b) ~~No procedure may be performed in a center without the prior approval of the Department as provided in this Section. Procedures may be approved as part of the list of procedures in the application, in the renewal application, or in a separate submission under this Section. If, after reviewing the quarterly data submission required by Section 205.620 of this Part, the Department questions the safety of a procedure being performed because of the complications or postoperative hospitalizations reported as being associated with the procedure, the Department shall request that the facility's Consulting Committee review the reported cases and submit the findings of that review within 30 days of the request.~~

- c) ~~The Department shall review all procedures on the application, renewal application, and any separate submission under this Section to insure that such procedures may be performed safely by the center on an out-patient basis. The Department will disapprove any procedure which it finds to generally emergency or life threatening in nature. The Department will only disapprove a procedure following review and concurrence in the disapproval by the Director or by a qualified physician designated by the Director. The Department may disapprove a procedure based upon the following:~~

- 1) ~~The Department's review of the statistical information submitted in accordance with Section 205.620 of this Part and the Consulting Committee's review required in subsection (b) above indicate that the~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

procedure cannot be safely performed in the surgery center as indicated by life threatening or repeated complications, or repeated postoperative hospitalizations; or.

2) The results of a complaint investigation indicate that the procedure is potentially life threatening or results in repeated complications or postoperative hospitalizations; or.

3) Evidence becomes available from other sources, such as a national study or a warning from the Food and Drug Administration or other regulatory body, that the procedure cannot be safely performed in an ambulatory setting.

4) The criteria and list of procedures developed by the Health Care Financing Administration for coverage of surgical procedures performed in ambulatory surgical centers for Medicare payment (42 CFR 416.65) will be considered by the Department on an advisory basis as a general guide to generally recognized out-patient procedures. Compliance with the criteria developed by the Health Care Financing Administration or presence of a procedure on the list developed by the Health Care Financing Administration is not required for approval by the Department of a procedure for performance in a center.

5) When the Department's professional health care staff questions the safety of a procedure to be performed on an out-patient basis, the Department will request the facility to submit the following information:

- 1) A statement that the procedure has been reviewed by the Consulting Committee of the center and that the Consulting Committee believes that the procedure may be performed safely on an out-patient basis;
- 2) A copy of any necessary protocol for the selection of patients for the procedure, including any risk factors which will be considered in patient selection;
- 3) A copy of any special policies and procedures which will be used by the center to insure that the procedures are performed safely;
- 4) A statement that the credentials of the physician or physicians who will be performing the procedure have been reviewed by the Consulting Committee and found to be acceptable to insure that the procedure will be performed safely;
- 5) Verification that any necessary equipment is available to perform the procedure;

6) Upon receipt of the information from the facility, the Department will either approve the procedure, approve the procedure on a conditional basis, or disapprove the procedure as provided under subsection (c) of this Section. The Department will seek the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

recommendations of medical specialty and other professional consultants concerning the safety of specific procedures, when it determines that such consultation is necessary to determine whether to approve or disapprove the specific procedures. The Department will also consider any additional information submitted by medical specialists and other professionals and by medical specialty and other professional societies in making these determinations.

7) When a procedure is approved on a conditional basis, the center must submit to the Department on a quarterly basis, the following information for the procedure:

- 1) Number of procedures performed;
- 2) Number of complications which occurred;
- 3) Number of post-operative hospital admissions which occurred;
- 4) Specific description of each case in which complications or post-operative hospital admission occurred;
- 5) Description of follow up actions taken by the center on each case in which complications or post-operative hospital admission occurred;
- 6) A statement that this information has been reviewed by the Consulting Committee of the center.
- 7) When a death, or complication which results in an emergency hospital admission, occurs involving a procedure approved on a conditional basis, the center shall notify the Department no later than the end of the next business day, prepare a written report of the case, and arrange a meeting of the center's Consulting Committee to discuss the case and the safety of continuing performance of the procedure;
- 8) Failure of the center to submit the information required under subsection (g) or to notify the Department as required under subsection (h) shall be considered as a basis for withdrawal of approval of the procedure on a conditional basis;
- 9) The Department will evaluate the information submitted under subsection (g) and any notification required under subsection (h). The Department will notify the facility that a procedure is disapproved and may no longer be performed on a conditional basis, when the evaluation indicates that the safety of the procedure has not been established;
- 10) The Department will inform the facility that a procedure is approved and is no longer subject to the requirements for procedures approved on a conditional basis, when the Department finds that the information submitted by the center establishes the safety of the procedure;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- d) The facility may appeal a decision by the Department under this Section by requesting a hearing on the decision within thirty days of notification of the decision. Hearings on appeals. The Director shall issue a Notice of Disapproval, which shall be effective immediately, and which shall provide the facility with fifteen days in which to request a hearing to contest the Notice of Disapproval. Such hearing will be conducted by the Department in accordance with the Department's administrative hearing rules (77 Ill. Adm. Code 100) and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 198291, ch. 127, par. 1001 et seq.) [5 ILCS 100].

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section 205.410 Equipment

Equipment shall be in good working order and shall be available in numbers sufficient to provide good patient care based on the procedures to be performed in the facility.

- a) There shall be monitoring equipment, suction apparatus, oxygen and related items available within the surgical and postoperative recovery area. Cardiac pulmonary resuscitation equipment shall be available in all facilities.
- b) There shall be written procedures governing the care, use, sterilization, storage and disposal of all materials to insure that an adequate supply of sterile equipment is available for each procedure. The section on "Sterilization and Disinfection" from "Infection Control in the Hospital," most recent edition, American Hospital Association, shall be used as the guideline.

- c) There shall be written procedures to assure safety in storage and use of inhalation anesthetics and medical gases. The current edition of the National Fire Protection Association Code (Standard No. 56a) shall be used as the standard, in accordance with NFPA Standard No. 99.

- d) There shall be written procedures to assure the safety in storage and use of all narcotics and medications in accordance with state and federal law.

- e) In those facilities using laser equipment, there shall be documentation of registration with the Illinois Department of Nuclear Safety as is required by the Laser System Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 700 et seq.) [420 ILCS 55]. The facility shall also have a written safety and maintenance program related to the use of the laser equipment.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: RECORDS AND REPORTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 205.620 Statistical Data

- a) Each ambulatory surgical treatment center shall submit to the Department clinical statistical data including the following:

- 1) the total number of surgical cases treated by the center.
- 2) the number of each specific procedure performed.
- 3) the number and type of complications reported, including the specific procedure associated with each complication.
- 4) the number of patients requiring transfer to a licensed hospital for treatment of complications. List the procedure performed and the complication which prompted each transfer.
- 5) the number of deaths, including the specific procedure which was performed.

- b) This clinical statistical data shall be submitted to the Department ~~no later than April 1 of each year for the preceding calendar year~~ quarterly, with reports due no later than January 31, April 30, July 31 and October 31 for the preceding quarter.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

Section 205.1400 Details and Finishes

a) Corridors and Exits

- 1) Minimum public corridor width shall be 5'-0", except those corridors where patients are transported in stretchers or carts shall be 8'-0".
- 2) The facility or section shall have at least two exits remote from each other. ~~Other details relating to exits and fire safety shall be in accordance with Chapter 12, Section 12.6 (New Ambulatory Health Care Centers), and Chapter 26 (New Business Occupancies) of the National Fire Protection Association's Standard No. 401: "Life Safety Code" (1981). Specific provisions of this Part which are more stringent than the requirements of the code shall govern.~~
- 3) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce the corridor width below the required minimum.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

b) Doors

- 1) All doors to toilets which may be used by patients shall be equipped with hardware which will permit access in any emergency.
- 2) The minimum width of doors for patient access to examination and treatment rooms shall be 3'-0".
- 3) The minimum width of doors to rooms needing access for stretchers (procedure rooms, recovery) shall be 3'-8".
- 4) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type.

c) Doors, sidelights, borrowed lights, and windows in which the glazing extends downs to within 18 inches of the floor (thereby creating possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass, wire glass, or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken in accordance with the State of Illinois Safety Glazing Materials Act (~~41L Rev. Stat. 1985, ch. 111 1/2, par. 3-101 et seq.~~). Similar materials shall be used in wall openings unless required otherwise for fire safety.

d) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.

c) Air dryers, or paper towel dispensers and waste receptacles shall be provided at all handwashing fixtures.

f) Where labeled fire doors are required, these shall be certified by an independent testing laboratory as meeting the construction requirements equal to those for fire doors in National Fire Protection Association (NFPA) Standard No. 80: "Standard for Fire Doors and Windows" (1984/1990). Reference to a labeled fire door shall be construed to include labeled frame and hardware.

g) Radiation protection requirements of X-ray and gamma ray installations shall conform to the requirements of the Department of Nuclear Safety's radiation protection rules (32 Ill. Adm. Code, Chapter 11, Subchapter b) and should follow guidelines of National Council on Radiation Protection (NCRP) reports #23No. 102 ("Medical X-ray, Electron Beam and Gamma-Ray Protection for Energies up to 450 MeV [Equipment Design, Performance and Use"] dated February 1968/June, 1989, and #No. 49 ("Medical X-ray and Gamma-Ray Protection for Energies up to 10-MeV Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma-Rays of Energies up to 10 MeV") dated September 1976. Provisions shall be made for testing and completed installation before use, and all defects must be corrected before use.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

h) The minimum ceiling height shall be 8'-0" with the following exceptions:

- 1) Boiler rooms, if provided, shall have ceiling clearance not less than 2'-6" above the main boiler header and connecting piping.
- 2) Radiographic and other rooms containing ceiling mounted equipment and including those with ceiling mounted surgical light fixtures shall have height required to accommodate the equipment and/or fixture.
- 3) Ceilings in corridors, storage rooms, toilet rooms, and other minor rooms may be not less than 7'-8".
- 4) Suspended tracks, rails, and pipes located in path of normal traffic shall be not less than 6'-8" above the floor.
- i) Flammable Anesthetics are prohibited.

j) Cubicle curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of NFPA Standard No. 701: "Standard Methods of Fire Tests for Flame-Resistant Textiles and Films" (1977/1989).

k) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved.

1) In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.

2) Floors that are subject to traffic while wet, shall have a nonslip surface.

l) Wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant.

m) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of rodents and insects. Joints of structural elements shall be similarly sealed.

n) Ceiling Finishes

1) Ceilings shall be cleanable, and those in sensitive areas such as surgical rooms shall be readily washable and without crevices that can retain dirt particles. These sensitive areas shall have a finished ceiling, covering all overhead ductwork and piping.

2) Finished ceilings may be omitted in mechanical and equipment spaces, shops,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

general storage areas, and similar spaces, unless required for fire resistive purposes.

- 3) Acoustical ceilings are recommended in corridors, multipurpose rooms, and waiting areas.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 205.1410 Construction, Including Fire Resistive Requirements, and Life Safety

Buildings shall meet the construction requirements and life safety requirements established in Sections 12-6 and 13-6 "New and Existing Ambulatory Health Care Centers" of the 1991 Edition of the Life Safety Code (no later editions or amendments included).

- 4) Buildings shall be of the following heights and construction types with automatic extinguishment system identified in the following table:

Construction Type	Stories			
	1	2	3	Over 3
2 hour Fire Resistive	X	X	X	X
1 hour Protected Noncombustible	X	X	X	X
Noncombustible	X	X	X	
Heavy Timber	X	X*		
1 hour Protected Ordinary	X	X*		
1 hour Protected Wood Frame	X*			
Ordinary		X*		

Key: X = Permitted types of construction

* = Building requires automatic extinguishment protection except in procedure rooms.

Smoke detectors must be installed in procedure rooms.

- 5) Walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms (containing combustible materials) shall be of not less than one-hour fire resistive construction, except in buildings over 3 stories in height, where 2-hour enclosure is required.

- 6) Building insulation materials, unless sealed on all sides and edges, shall have a flame spread rating of 25 or less and a smoke-developed rating of 450 or less when tested in accordance with NFPA Standard 255, "Method of Test of Surface Burning Characteristics of Building Materials" (1979).

- 7) Elevators and dumbwaiters

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) All ambulatory surgical treatment centers located above the first floor of the building shall have an electric or electrohydraulic elevator.

- 2) Inspections and tests shall be made and written certification be furnished that the installation meets the requirements of all applicable safety regulations and codes.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART L: ELECTRICAL

Section 205.1740 Lighting

- a) All spaces occupied by people, machinery, and equipment within buildings, approaches to the buildings, and parking lots shall have lighting.

- b) A portable or fixed examination light shall be provided in each examination and treatment room.

- c) Procedure rooms shall have general lighting, in addition to local lighting provided by adequate lighting units at the procedure tables. Each lighting unit at the tables, except for portable units, shall be connected to an independent circuit.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 205.1750 Receptacles (Convenience Outlets)

- a) Duplex grounding type receptacles shall be installed in all areas or rooms in sufficient quantities for the tasks to be performed.

- b) A minimum of one duplex receptacle for each wall shall be installed in each work area of room, other than storage or locker rooms. The duplex receptacles for general procedures and minor procedures such as laser or endoscopy must be hospital grade.

- c) A minimum of two duplex receptacles shall be located convenient to each examination and work table, and to each Stage 1 recovery space.

- d) A minimum of one duplex receptacle for each wall shall be installed in each work area or room, other than storage or locker room.

- d)c) Duplex receptacles for cleaning equipment and general use shall be installed in approximately 50.0" apart in all corridors and within 25.0" of ends of corridors.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 205.1760

Grounding

In areas used for patient care or treatment, all receptacles operating at over 100 volts, shall be grounded by an insulated copper conductor, sized in accordance with Table 250-95 of the 1975 1993 National Electrical Code, and installed with the branch conductors supplying these receptacles.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 205.1780 Emergency Electric Service

a) An emergency source of electricity shall be provided and connected to certain circuits for lighting to provide electricity during an interruption of the normal electric supply.

b) The source of this emergency electric service shall be a generator set, storage batteries or unit equipment as described in Art. 700-6 NFPA Standard 70. Ambulatory surgical treatment centers that do not administer inhalation anesthetics in any concentration, or that have no patients requiring electrical life-support equipment, shall be permitted to use a battery system for emergency power. The following is required:

1) Illumination of means of egress as required in NFPA 101.

2) Illumination of procedure and recovery rooms.

3) Illumination of exit and exit directional signs.

4) Fire alarm and alarms required for nonflammable medical gas systems, if nonflammable medical gas systems are installed.

~~c) Emergency electric service shall be provided to the following:~~

1) ~~Illumination of means of egress as required in NFPA Standard 101.~~

2) ~~Illumination for exit signs and exit directional signs as required in NFPA Standard 101.~~

3) ~~Alarm systems including fire alarms activated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire and smoke detecting systems, and alarms required for nonflammable medical gas systems if installed.~~

4) ~~General illumination and selected receptacles in the vicinity of the generator set, if installed.~~

5) ~~Illumination in procedure and recovery room.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

6) ~~If 110-volt equipment will be utilized to maintain heart action, breathing, to control bleeding or other essential functions, receptacles connected to emergency power sources shall be installed.~~

e) Ambulatory surgical treatment centers in which inhalation anesthetics are administered in any concentration to patients or that have patients requiring electrically operated or mechanical life support devices must be provided with an emergency generator. This generator must supply a limited amount of lighting and power service that is essential for life safety and orderly cessation of a procedure during the time normal service is interrupted for any reason. The maximum time of automatic transfer is 10 seconds. The following is required:

1) Task illumination that is related to the safety of life and that is necessary for the safe cessation of procedures in progress.

2) All anesthesia and resuscitative equipment used in areas where inhalation anesthetics are administered to patients must include alarms and alerting devices.

3) Illumination of means of egress as required in NFPA 101.

4) Illumination of exit and directional signs.

5) Fire alarm and nonflammable medical gas system alarms, if nonflammable medical gas systems are installed.

6) General illumination and selected receptacles in the vicinity of the generator set.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 205.1790 Fire Alarm System

A manually operated electrically supervised fire alarm system shall be installed in each facility. The following is required:

a) Manual pull stations at all exit doors.

b) Audio/visual signal devices in compliance with the State of Illinois Accessibility Code (71 Ill. Adm. Code 400).

c) A presignal system is not permitted; all signals must automatically transmit to the nearest fire department or central receiving station.

d) If a sprinkler system is installed, the required water flow alarm device and electrical tamper switches must be interconnected to the fire alarm system.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

c) If a smoke barrier is installed, the doors must normally be kept closed or, if held open, they must be equipped with magnetic hold-open devices that will release the door upon activation of the fire alarm system and a local smoke detector.

d) Automatic smoke detectors are required in waiting areas that are open to egress corridors.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Licensee Rules
- 2) Code Citation: 11 Ill. Adm. Code 1313
- 3) Section Numbers: 1313.60 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking establishes performance standards for racing sulkeys.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 21, 1994
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1313

GENERAL LICENSEE RULES

Section
 1313.10 Worker's Compensation (Repealed)
 1313.20 Health Regulations
 1313.30 Observe Sanitary, Safety, Humane Rules
 1313.40 Halters
 1313.48 Safety Helmets
 1313.50 Equipment Change and Records
 1313.60 Special Equipment Sulky Performance Standards
 1313.70 Horses in Paddock and Receiving Barn
 1313.80 Body Alcohol Testing
 1313.90 Deceased and Sick Horses
 1313.100 Firearms
 1313.110 Private Practice Prohibited
 1313.120 Veterinarian Reports
 1313.130 Clean Equipment

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); passed July 11, 1972; amended April 13, 1973; amended June 11, 1973; amended October 25, 1973, filed December 17, 1973 codified at 5 Ill. Reg. 10937; amended at 11 Ill. Reg. 14816, effective August 24, 1987; amended at 11 Ill. Reg. 20205, effective December 31, 1987; amended at 18 Ill. Reg. _____.

Section 1313.60 Special Equipment Sulky Performance Standards

Every sulky used in a race at a licensed meeting shall be equipped with such special equipment as the judges shall order. The obtaining and installation of such equipment is the responsibility of each owner. A driver shall not drive a sulky not equipped as so ordered by the judges.

- a) All styles, types and models of racing sulkies shall pass all performance and testing standards as established in this Part before approval for use is granted. Testing shall include Static Load Testing, Dynamic Load Testing and Track Testing.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) The sulky shall not create either by design or manufacture any interference or hazard to any driver or horse in a race.
- 1) All components of the sulky shall be attached to one another in such a way that they remain attached during normal use and testing.
- 2) No bent shaft style sulky shall be approved.
- c) Each sulky shall be equipped with two shafts that are attached independent of one another to the horse. Inside to inside measurement shall be within a range of 42' to 50' at the front of the arch. All shafts shall be equipped with quick-hitch fixtures or attachable by conventional tie-downs. All quick-hitches shall have safety straps.
- d) The style of arch must be no narrower than 47' or wider than 56' in distance measuring from the inside of each side of the arch at the axle nuts.
- 1) The front of the arch to the center line of the harness where a horse is hitched shall be not greater than 76' as measured along the shaft.
- 2) The distance from the front of the arch to the back of the seat shall be no greater than 19".
- 3) The distance from the ground to the bottom of the arch shall be between 28" and 35" measured with the wheels attached.
- 4) The arch shall be parallel to the ground and located a minimum of 1' higher than the tire at all points.
- e) Inside measurement between the inside fork assemblies shall be 6' greater than the inside measurements between the shafts as measured at the front of the arch (e.g., shafts 40"/inside forks 46", shafts 46"/inside forks 52"). Fork measurements shall be taken from the inside of each side of the arch at the axle nut. There shall be a fork assembly on both sides of each wheel.
- f) Each sulky shall be equipped with two stirrups. Each stirrup shall not be more than 8" wide. The stirrups shall be attached to the inside of each shaft no closer than 30" from stirrup to stirrup.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- g) The measurement from the ground to the heel of the stirrup and ground seat plate shall have a spread of no more than 6" as measured with the bike hitched at 54".
- 1) The seat plate shall be no lower than 1" below the arch.
- 2) The seat shall be securely attached to the seat bracket in a fixed position.
- 3) The back of the seat shall be no higher than 4". No high back seats shall be approved.
- 4) All seats shall have adequate padding to provide comfort for the driver.
- h) Each sulky shall contain two wheels. The wheels shall be 26" to 28" with tire attached. All wheels shall be covered by wheel disc covers constructed in such a manner so that they are light weight and durable. Wheel discs shall be either unicolor or colorless.
- i) The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky.
- j) The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse. The shafts shall not be higher than the withers of the horse.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.455 New Section
- 4) Statutory Authority: 35 ILCS 120/1 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:
The proposed rulemaking addresses questions regarding motor vehicle leasing and motor vehicle trade-in credits which may be used to reduce a dealer's gross receipts by the "value of or credit given" for a traded-in motor vehicle. These issues have previously been addressed in Department issued letter rulings. They now represent a sufficient body of questions to necessitate regulations. The regulation defines "value of" and "credit given" for traded-in vehicles. The manner in which trade-in credits may be used is described including limited use of advance trade-ins. Deferred trade-ins are specifically excluded as a valid trade-in transaction. Multiple, split and combined trade-in transactions are defined and permitted under limited circumstances. Documentation required to demonstrate a valid trade-in transaction is also described.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference?
No.
- 9) Are there any other proposed amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
130.2007	Amendment	1/28/94, 18 Ill. Reg. 982
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Sherri Baker Spies
Associate Counsel
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7054

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: No new procedures are required that would impact small businesses.
- B) Reporting, bookkeeping or other procedures required for compliance: Standard bookkeeping and reporting procedures are required for use and documentation of trade-in credits.
- C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215
130.220

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations
Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.335
130.340
130.345
130.350

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401
130.405
130.410
130.415
130.420
130.425
130.430

Meaning of Gross Receipts
How to Avoid Paying Tax on State Tax Passed on to the Purchaser
Cost of Doing Business Not Deductible
Transportation and Delivery Charges
Finance or Interest Charges--Penalties--Discounts
Traded-In Property
Deposit or Prepayment on Purchase Price

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
 130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON,
OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED
AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1415 Resale Number--When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

130.1501 Claims for Credit--Limitations--Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns Are Not Required After Discontinuation of a
Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
Stamps and Like Articles
130.1915 Auctioneers and Agents
130.1920 Barbers and Beauty Shop Operators
130.1925 Blacksmiths
130.1930 Chiropractists, Osteopaths and Chiropractors
130.1935 Computer Software
130.1940 Construction Contractors and Real Estate Developers
130.1945 Co-operative Associations
130.1950 Dentists
130.1951 Enterprise Zones
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies - Installment
Contracts - Repossessions
130.1965 Florists and Nurserymen
130.1970 Hatcheries

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists and Opticians
130.1985 Pawnbrokers

130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related
Occupations, and Their Suppliers
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar
Enterprises Operated As Businesses, and Suppliers of Such Persons
Sales by Teacher-Sponsored Student Organizations
130.2006 Exemption Identification Numbers
130.2007 Sales by Nonprofit Service Enterprises
130.2008 Persons Who Rent or Lease the Use of Tangible Personal Property
130.2010 to Others

130.2015 Persons Who Repair or Otherwise Service Tangible Personal
Property
130.2020 Physicians and Surgeons
130.2025 Picture-Framers

130.2030 Public Amusement Places
130.2035 Registered Pharmacists and Druggists
130.2040 Retailers of Clothing
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art
Shows, Flea Markets and the Like

130.2050 Sales and Gifts By Employers to Employees
130.2055 Sales by Governmental Bodies
130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065 Sales of Automobiles for Use In Demonstration
130.2070 Sales of Containers, Wrapping and Packing Materials and Related
Products

130.2075 Sales To Construction Contractors, Real Estate Developers and
Speculative Builders
130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular
Personnel
130.2085 Sales to or by Banks, Savings and Loan Associations and Credit
Unions

130.2090 Sales to Railroad Companies
130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100 Sellers of Feeds and Breeding Livestock
130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and
Phonograph Records and Their Suppliers
130.2110 Sellers of Seeds and Fertilizer
130.2115 Sellers of Machinery, Tools and the Like
130.2120 Suppliers of Persons Engaged in Service Occupations and
Professions

130.2125 Trading Stamps and Discount Coupons
130.2130 Undertakers and Funeral Directors
130.2135 Vending Machines

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Vendors of Signs
- 130.2156 Vendors of Steam
- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
- 130.2165 Veterinarians
- 130.2170 Warehousemen
- 130.ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 440 et seq.) [35 ILCS 120/1 et seq.] and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 39b3) [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993, amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; added at _____ Ill. Reg. _____, effective _____.

Section 130.455 Motor Vehicle Leasing and Trade-In Allowances

a) Definitions

"Dealer" means any person engaged in the business of selling vehicles at retail.

"Purchaser" means any person, whether an individual consumer or a lessor, that purchases a vehicle from a dealer.

"Lease" means a true lease of a vehicle for a term of more than one year.

"Lessee" means any person that acquires possession of a vehicle pursuant to a lease.

"Lessor" means any person engaged in the business of leasing vehicles to other persons.

"Advance Trade Credit" means a trade-in credit earned as the result of the trade-in of a vehicle on the future purchase of a vehicle where the purchaser is contractually obligated to make a purchase within 6 months of the advance trade.

"Dealer Credit" means an advance trade credit maintained on the books of the dealer where the purchaser is contractually obligated to make a purchase within 6 months of the advance trade.

b) Valuation of Traded-in Vehicles

- 1) The selling price of a vehicle does not include "the value of or credit given" for traded-in tangible personal property where the item that is traded-in is of like kind and character as that which is being sold. "The value of" a traded-in vehicle is the amount of value assigned to the vehicle without regard for outstanding debt owed on the traded-in vehicle by any party.

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

2) The amount of "credit given" for a traded-in vehicle is the value assigned to the vehicle, reduced by any cash payments received by the purchaser or title holder of the traded-in vehicle. The reduction of the value by offsetting cash payments results in the actual "credit given" for the traded-in vehicle. Where cash payment is made to the purchaser or the title holder of the traded-in vehicle, the trade-in credit is equal to the actual "credit given" for the vehicle.

Example:

	Value of Trade-In	Credit Given	Trade-In Credit
Traded-In Vehicle	\$10,000		\$10,000
With \$3,000 Lien	\$10,000		\$10,000
With \$2,000 Cash Back to Purchaser	\$10,000	\$8,000	\$8,000

c) Use of Trade-in Credits

- 1) A dealer may reduce his gross receipts by the "value of or credit given" for a traded-in motor vehicle where:
 - A) An individual trades a motor vehicle he owns on the purchase of a new or used motor vehicle; or
 - B) A lessor trades a motor vehicle he owns on the purchase of a new or used motor vehicle for subsequent lease; or
 - C) A lessor trades a motor vehicle owned by a prospective lessee, or a third party where the prospective lessee or third party assigns the vehicle to the dealer and provides written authorization for the trade to the dealer, for the benefit of the lessor. The written authorization provided by the prospective

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

lessee or third party should be specific to the immediate transaction, identifying the automobile to be purchased by the lessor. A prospective lessee or third party trade-in authorization may not be used in conjunction with an advance trade transaction.

D) A motor vehicle is traded-in as described in subsection (c)(1)(B) or (c)(1)(C) of this Section, and the dealer executes the lease but simultaneously assigns the lease to a purchasing lessor, if the following requirements are part of the transaction: i) the lease agreement states that the lease and vehicle will be assigned to the lessor making the trade of the motor vehicle, and ii) title is issued directly to the lessor making the trade of the motor vehicle and not to the dealer so that the dealer remains outside the chain of title.

2) A dealer may not reduce his gross receipts by the "value of or credit given" for a traded-in motor vehicle where:

- A) The dealer is the owner (meaning the dealer holds either title or certificate of origin) of the traded-in motor vehicle; or
 - B) The trade-in vehicle was disposed of in a sales transaction predating the trade but was not identified by contract or written agreement as an advance trade-in vehicle as required in paragraph d) of this Section; or
 - C) The party holding title and offering the vehicle or vehicles for trade on behalf of the purchaser or lessor as described in subsection (c)(1)(C) of this Section, would not be entitled to the isolated or occasional sale exemption if such vehicle or vehicles were sold by that party, rather than traded.
- d) Advance Trade-Ins
- A transaction may constitute an advance trade-in if, at the time the vehicle is traded to the dealer, the purchaser becomes contractually obligated to purchase one or more vehicles from the dealer within 6 months of the date of the advance trade-in transaction. Advance trade credits not used within the time specified expire and may not be used subsequent to the 6 month credit period. Advance trade credits are non-transferable.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) In order to apply the trade-in credit toward the purchase price of a vehicle, the documents recording the purchaser's contractual obligation to purchase need not specify the make, model or purchase price of a vehicle to be purchased, only that the purchaser is under an obligation to purchase within the specified amount of time.
- 2) Advance trade credit given by the dealer to the purchaser in the amount of the "value of or credit given" for a traded-in vehicle at the time of the advance trade-in may be in the form of dealer credit or cash, and will not affect the purchaser's ability to apply the advance trade credit toward the purchase of one or more vehicles, so long as the purchaser is contractually obligated to purchase a vehicle from the dealer within the time specified. In completing the transaction, the purchaser may pay the dealer cash or other consideration for the purchase price of a vehicle or vehicles purchased.
- 3) Documentation evidencing an advance trade-in transaction must include the following: The contract establishing the "value of or credit given" for a traded-in vehicle, the obligation to purchase a vehicle, and the date of expiration of the advance trade-in credit; the bill of sale for the traded-in vehicle; and the appropriate sales or use tax return evidencing the purchase of the new or used vehicle and recording the application of the advance trade credit. Advance trade-in transactions may not be structured so that the purchaser is not the owner of the automobile offered for trade.

e) Deferred Trade-Ins

No trade-in credit may be used in a transaction where the sales or use tax return does not reflect that a trade was offered at the time of the sales transaction. The appropriate sales or use tax return cannot be amended to reflect the "value of or credit given" for a vehicle offered for trade subsequent to the completion of the sales transaction.

f) Multiple and Split Trade-in Transactions

1) Multiple Trade-In Transactions

A purchaser may utilize a trade-in credit when trading in more than one vehicle to a dealer on the purchase of a single new or used vehicle. The dealer may use the cumulative trade-in credits from the traded-in vehicles to

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

reduce gross receipts from the sale of the newly purchased vehicle so long as the trade-ins and sale are recorded as a single transaction.

2) Split Trade-In Transactions

A purchaser may utilize a trade-in credit when trading in a single vehicle to a dealer on the purchase of more than one new vehicle. The dealer may split the amount of the trade-in credit from the traded-in vehicle, and apply it toward the purchase price of one or more new vehicles so long as the trade-in and purchases are recorded as a single transaction. The amount of trade-in credit to be applied to each new vehicle will be determined by the dealer and purchaser.

3) Combined Transactions

A multiple trade-in transaction or split trade-in transaction may only be used in conjunction with an advance trade-in transaction if the transfer of all vehicles involved in the trade are recorded as a single transaction and the purchaser is contractually obligated to purchase a vehicle from the dealer within the specified period of time.

g) Documentation of Trade-in Credits

Documentation and records evidencing a trade-in credit utilized for a particular transaction, must be retained by the dealer and the purchaser and shall be made available to the Department for inspection or audit. With the exception of advance trade-in transactions, where a vehicle is offered for trade by a person other than the purchaser for the benefit of the purchaser, the owner of the vehicle must give written authorization that the vehicle is being offered for trade for the benefit of the purchaser. The written authorization must be specific to the transaction and must identify the vehicle for which the owner's automobile is being traded.

(Source: Added at ___ Ill. Reg. ___, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Audits, Reviews and Investigations

2) Code Citation: 89 Ill. Adm. Code 434

3) Section Numbers: Adopted Action:

434.1 Amendment
 434.2 Amendment
 434.3 Amendment
 434.4 Amendment
 434.5 Amendment
 434.6 Amendment
 434.7 Amendment
 434.8 Amendment
 434.9 Amendment
 434.10 New Section
 434.11 Renumber and Amendment
 434.12 New Section

4) Statutory Authority: Implementing Section 4 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5004) [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 1001 et. seq.) [30 ILCS 10/1001].

5) Effective Date of Amendments: May 1, 1994

6) Does this rulemaking contain an automatic repeal date: _____ Yes X No
If so, please specify date:

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: May 1, 1994

9) Notice(s) of Proposal Published in Illinois Register: May 21, 1993 at 17 Ill. Reg. 7115.

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.

11) Difference(s) between proposal and final version:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Table of Contents

Title for Section 434.3 - add "for Internal Auditing" after the word "Followed."

Title for Section 434.10 - add an "s" to "Hearing."

Section 434.2, Definitions

Delete the definition of "Audit Standards".

Revise the definition of "Desk Review" in the second line by deleting the word "or" and replacing it with the word "of" and deleting the word "public".

Capitalize the first letter in the word "State" in the definition of "Investigation".

In the definition of "Preliminary Review" insert the word "full" before the word "scope."

Delete the proposed definition of "Program Area" and add the following definition: "Program Type" means services provided through the same appropriation account for similar services.

Delete the definition of "Provider".

Section 434.3, Audit Standards to be Applied and Audit Procedures to be Followed for Internal Auditing

Modify the title in the text by adding "for Internal Auditing" after "Followed."

First line - change the term "provider agencies" to "entities."

Section 434.4, Scope of the Internal Audit/Review or Investigation

(a), first sentence - strike out the words "purchase of service providers and other".

(a)(1), third line - strike out the word "Rules" and underline the word "rules".

(b), first line - change the term "purchase of service providers" to "entities."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(d), first line - change the term "purchase of service providers" to "entities."
 (e), fourth and fifth lines - delete the words "purchase of service provider or other".

(f), first line - change the term "purchase of service providers" to "entities."
 (f)(4), second line - strike out the period after "practices" and underline the comma.

Section 434.5, Reports of Internal Auditors

(d), first line - change the word "provider" to "entity."

(e), fourth line - change the reference from Section 434.11 to Section 434.10.

Section 434.6, Exit Conferences

(a)(2), third line - strike out the comma and underline the semicolon.
 (b), last sentence - change "refute or modifies" to read "refute or modify".

Section 434.7, Certified Audits, Cost Reports and Desk Reviews

(a), third line - delete the words "the agency for"; ninth line - delete "Other not for profit organizations" and replace it with "All Governmental and not-for-profit entities."

(a), second sentence - modify the sentence to read "entities" rather than "purchase of service providers" and to state "Part" rather than "Rule".

(b), first line - add an "s" to "report"; second line - add "certified" between "the" and "audit" and add an "s" to "report".

(b)(2), first and second lines - change the term "program" to "service" and delete the last phrase "subject to the provisions of item (b) below."

(b)(3), last line, remove the strike out from the semicolon.

(b)(5), second line, state "entity" rather than "agency".

(c), second sentence - amend the sentence in part to read "If the Department has not received the certified audit by the deadline of 180 calendar days after....."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(d), first line - add "certified" after "All"; third line - add "Internal" immediately after "of"; fourth line - add "certified" after "the" and state "entity" rather than "provider". In the fifth line, third sentence - modify the sentence to read "If the certified audit does not meet the standards set out in subsection (a), the entity will be given 30 business days to submit a new certified audit."

(e), first line - add "Internal" after "of", delete "an audit digest" and add "a desk review report" after "prepare"; second line - add "certified" before "audit"; third line - add "certified" before "audits"; fourth line - delete "audit digest" and add "desk review report" after "completed", add "be" after will and delete "provider agency", and add "entity" after "the."

(f), second and third lines - delete the term "audit digest" and insert "desk review report"; third line - delete the term "provider agency" and insert "entity"; fifth line - change the capital "R" in "Regional" to a lower case "r".

(g), first and third lines - delete the term "audit digest" and replace with "desk review report"; second line - delete the terms "provider" and "provider's" and insert the words "entity" and "entity's" respectively; insert the word "certified" immediately before the word "audit."

(h), delete the proposed language and replace it with:

When the rates for group homes, institutions, day care, independent living, homemakers, Medicaid and unmarried mothers services are set by audited costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY'1981-FY'1993 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1994 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues which are identified will be recaptured during the following fiscal year contract period.

Section 434.8, Records Maintenance and Availability for Audit

First paragraph, first sentence - capitalize the first letters in "service delivery", "fiscal administration" and "licensing standards".

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- (a), first line - change the term "provider agencies" to "entities."
 (b), first line - change the term "providers" to "entities."
 (d), second line - change the term "provider" to "entity."

Section 434.9, Responsibilities of the Office of Internal Audits

Third sentence, third line - strike out the term "internal audit office" and add the term "Office of Internal Audits"; fifth line - insert "and other entities which have contracts with or are licensed by the Department" immediately after the word "providers".

Section 434.10, Administrative Hearings of Draft Audit Findings and Recommendations

- (a)(1), second line - delete the word "calendar" and replace it with the word business.

- (a)(1) and (a)(2), first line - change the word "was" to "is".
 (a)(2), second line - change "refutes or modifies" to read "refute or modify".
 (a)(3), modify the sentence to read "the issue is an audit issue encompassed within the jurisdiction of the Administrative Hearings Unit."

- (b)(1) and (b)(2), add a semicolon at the end of each subsection.

- (b)(2)(D), delete the word "on" and replace it with the word "to."

- (c) and (d)(1), modify to read in part ".....calendar days after receipt...."

- (c), (f), (q) and (r), capitalize the first letters in "Administrative Hearing Unit".

- (1)(4), second sentence - modify to read "bias or conflict of interest".

- (m), modify the Illinois Administrative Procedure Act citation to read "(Ill. Rev. Stat. 1991, ch. 127, par. 1000-1 et seq.) [5 ILCS 100]".

- (m)(3), (4) and (10), add semicolons at the end of each subsection.

- (m)(4), first line - add an "s" to the word "conference".

- (m)(7), remove the comma before the word "relevance".

- (n), Record of Administrative Hearings - change this incorrectly labeled subsection n) to subsection r).

- (o), second sentence - Revise this sentence to read: The Director's decision is the final administrative decision of the Department and shall be based upon good business practices and generally accepted accounting principles. In the third sentence, delete the word "and" in the fourth line immediately

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

before the word "within".

- (p), second sentence - change "it applicable" to read "if applicable"; cite the ILCS as "[735 ILCS 5/3]" and delete the word "it" and replace it with "if".

- (q), in the title, delete the "d" from the word Received and replace it with a "s". Delete the comma after "Unit."

- (r), in the title, add an "s" to the word "Hearing" and in the third sentence, last line - add "or State" immediately after the word "federal".

Source Note - change "New Section added" to "Added".

Section 434.11, Referrals by Department Employees to the Investigations Unit

- (a)(6), (a)(8), and (b), capitalize the first letter in the word "State".

Source note - modify the Source note to "(Source: Former Section 434.10 renumbered to Section 434.11 and amended at 18 Ill. Reg. _____ effective _____)".

Section 434.12, Severability of This Part

Source note - change "New Section added" to "Added".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of these amendments: Part 434 was amended to add new language in accordance with changes in the Internal Auditing Act and to add updated information related to how the Department handles its audit and review process. Additionally, a new Section was added regarding the Administrative Hearings Unit and its functions and obsolete language related to audits and reviewed has been deleted.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station 222
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
IDD: 217/524-3715

17) The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER E: GENERAL ADMINISTRATION

PART 434

AUDITS, REVIEWS, AND INVESTIGATIONS

Section	Purpose
434.1	Definitions
434.2	Audit Standards to be Applied and Audit Procedures to be Followed for Internal Auditing
434.3	Scope of the Internal Audit/Review or Investigation
434.4	Reports of Internal Auditors
434.5	Exit Conferences and Recommendations <u>of Draft Audit Findings and Recommendations</u>
434.6	Recommendations
434.7	Certified Audits, Cost Reports and Desk Reviews
434.8	Records Maintenance and Availability for Audit
434.9	Responsibilities of the Office of Internal Audits
434.10	Administrative Hearings of Draft Audit Findings and Recommendations
434.11	Referrals by Department Employees to the Investigations Unit
434.12	Severability of This Part

AUTHORITY: Implementing and authorized by Section 4 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5004) [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 1000 et seq.) [30 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 8634, effective September 1, 1981; amended at 8 Ill. Reg. 133, effective December 30, 1983; amended at 18 Ill. Reg. _____, effective _____.

Section 434.1 Purpose

The purpose of these rules is to define the scope of the audits/reviews and investigations ~~that the Department conducts and~~ conducted by the Department. These rules also explain the process the Department will use when conducting audits/reviews and investigations of internal units of the Department, providers who contract with the Department, and agencies which are licensed by the Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.2 Definitions

"Audit/Review" means an examination of financial transactions, accounts, reports, an evaluation of internal controls and an evaluation of compliance with applicable laws and regulations. An

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

audit/review may also include an examination of efficiency and economy in the use of resources (such as personnel, property, space), and of an examination to determine whether desired results are effectively achieved.

"Audit-Administrator" means the Chief Auditor of the Department of Children and Family Services or other persons designated by the Chief Auditor to conduct a reconsideration of draft audit findings.

"Audit Standards" means the "Standards for Audits of Governmental Organizations," "Programs, Activities and Functions" (the Comptroller General of the United States, 1981) and the Guidelines for Financial and Compliance Audits of Federally Assisted Programs (United States General Accounting Office, 1987) as amended by the American Institute of Certified Public Accountants (AICPA) as of the effective date of these amendments (December 30, 1983).

"Certified Audits" means the entity's annual financial and compliance report which has been examined by an Independent Licensed Certified Public Accountant.

"Cost Report" means the State of Illinois Interagency Statistical and Financial report.

"Department" means the Illinois Department of Children and Family Services.

"Desk Review", as used in this part, means a review by the Department's Internal Auditors of certified public audits and costs cost reports submitted by the provider agency.

"Follow-up Review" means a viewing of past occurrences, contemplation or consideration of past events, circumstances, or facts.

"Internal Auditor" is a Department employee whose responsibilities include conducting audits of Department activities and contracted purchase of service providers and in order to make recommendations to the Director regarding the results of such audits.

"Investigation" means an examination of employee conduct, security systems, and contractor conduct to assure compliance with state, federal, and Departmental rules and regulations. A Department investigation is not intended to focus on criminality or prepare cases for prosecution, but rather to obtain sufficient documentation to assure the Director of the appropriateness of Department and service provider employee conduct and the safeguarding of Department assets.

"Limited Review" means an examination of financial transactions,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

accounts, reports, an evaluation of internal controls, or an evaluation of compliance with applicable laws and regulations which is limited in scope to examine only certain areas. (Although this is not a full scope audit, it may include an examination of efficiency and economy in the use of resources (such as personnel, property, space), and an examination to determine whether desired results are effectively achieved.)

"Preliminary Review" means an entrance conference held at the beginning of each audit or limited review, a very limited review of financial transactions, accounts, reports, internal controls and compliance with contract provisions to assess the full scope needed during an upcoming audit.

"Program Type" means services provided through the same appropriation account for similar services.

"Provider", as applied to this part, means the Department of service providers or any other entity with whom the Department has a contract.

"Related Party Transaction" means a financial transaction in which one party has the ability to influence the management or operating policies of the other party. Disclosure of related party transactions should include the nature of the relationship, a description of the transactions, including dollar amounts, and amounts due to and from related parties.

"Scope of the Audit or Investigation" means the activities and testing procedures that the auditor or investigator deems necessary to conduct an examination or investigation.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.3 Audit Standards to be Applied and Audit Procedures to be Followed for Internal Auditing

The audits of provider agencies entities shall be performed in accordance with Standards for Audits of Governmental Organizations, Programs, Activities and Functions, Revised and Reissued February 27, 1981, as promulgated by the Comptroller General of the United States. Auditors must also use generally accepted auditing standards adopted by the American Institute of Certified Public Accountants, the Standards for Professional Practice of Internal Auditing (The Institute of Internal Auditors, 1978) or where required, in accordance with Government Auditing Standards (United States General Accounting Office, 1988).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Section 434.4 Scope of the Internal Audit/Review or Investigation

a) The Department reserves the right to conduct audits/reviews, limited reviews, follow-up reviews or investigations of ~~purchase-of--service providers--and--other~~ entities which contract with or who are licensed by the Department. The Department may elect to designate qualified individuals to do this on its behalf when an independent (non-DCFS) audit is required by law or contract. Outside independent auditors will be used to conduct audits when a grant award from an outside funding source requires an independent certified audit as a condition of the grant. Audits/reviews and investigations shall encompass some or all of the following general objectives:

- 1) an examination of financial transactions, accounts, and reports, including an evaluation of compliance with applicable laws and regulations and Department Rules rules.
- 2) an evaluation of whether the entity is maintaining effective control over revenues, expenditures, assets and liabilities.
- 3) an examination to verify that financial and cost reports contain accurate and reliable financial and client service data, and are presented fairly.
- 4) an examination to verify that related party transactions are properly accounted for and disclosed appropriately.
- 5) an examination to verify that funds are used for their stated purpose as prescribed in the contract with the Department.
- 6) an examination to verify that costs and services were incurred, expended or provided as billed.

b) A preliminary review of ~~purchase-of--service--providers~~ entities ~~will~~ may be conducted prior to the full audit. The purpose of the preliminary review is to define and limit the general objectives of the audit so that the audit can be conducted in an efficient manner. The preliminary review ~~will~~ may encompass a selective review of financial transactions, accounts, reports, internal controls and compliance with contract provisions. At the conclusion of this review and based upon the results, the auditor(s) may:

- 1) conduct a full scope audit which encompasses all of the general objectives. A full scope audit will be conducted when major internal control weaknesses or significant deviations from generally accepted accounting principles are observed during the preliminary review.
- 2) conduct a limited scope audit to include only the areas of observed weaknesses in the ~~provider--agency's~~ provider's record keeping or compliance with contracts. A limited scope audit will be conducted when weaknesses in internal controls are observed or minor deviations from generally accepted accounting principles are observed during the preliminary review.
- 3) cancel additional field work if no major areas of weaknesses are observed in the ~~provider--agency's~~ entity's record keeping or compliance with contracts.
- c) In the event that a full or limited scope audit is not completed, a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

written report of the results of the preliminary review shall be prepared and distributed as specified in Section 434.5 of this Part.

d) Current employees of ~~purchase-of--service--providers~~ entities or licensees and/or clients of the Department ~~shall~~ will be interviewed as necessary in conjunction with audits/reviews, limited reviews, and investigations.

e) The scope of the Internal Audit/Review or Investigation is not intended to identify fraud; but when fraud is suspected, the Department reserves the right to surrender all records pertaining to the audit/review or investigation to the appropriate law enforcement body without notice to the ~~purchase-of--service--providers--or--other~~ entity with whom the Department has the contract(s).

f) Follow-up reviews ~~will~~ may be conducted when ~~purchase-of--service providers~~ entities have had major internal control weaknesses identified in the final audit report. Major internal control weaknesses include, but are not limited to the following:

- 1) controls over cash accounts or petty cash controls,
- 2) control over fixed assets,
- 3) noncompliance with recordkeeping contractual requirements,
- 4) major deviations from generally accepted accounting principles in the provider's financial reporting and record-keeping practices;
- 5) major deviations from State law or Department rules and procedures.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.5 Reports of Internal Auditors

- a) All entities that undergo a Department audit, review or investigation shall be provided a draft copy and a final copy of the report.
- b) The audited entity shall be provided with a draft copy of the audit or review within 30 business days after the fieldwork is completed. Fieldwork may include additional work after the "onsite" work has been completed. At that time, the agency entity will be requested to provide written comments on the findings and recommendations corresponding to each issue. The draft copy will be distributed to the appropriate officials of the Department and the audited entity.
- c) The draft report shall present findings and detailed supporting information to the extent necessary to clarify the findings. Where possible, the report shall contain the auditor's recommendations to effect improvements in problem areas noted in the audit and to otherwise make improvements in operations.
- d) Upon receipt of the draft report, the ~~provider~~ entity may submit a response to the findings and recommendations. The response must be submitted within 30 business days of the date of receipt of the draft report.
- e) A final report shall be issued within 30 business days after the date of the draft report unless the ~~provider~~ entity requests an exit

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

conference and/or a reconsideration administrative hearing of the audit findings per Section Sections 434.6 and 434.10 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.6 Exit Conferences and/or Reconsideration of Draft Audit Findings and Recommendations

All entities that undergo a Department audit, review or investigation shall be given the opportunity for a reconsideration an exit conference and an administrative hearing of the Department's findings and recommendations. The requirements for requesting a review of the findings and recommendations are as follows:

- a) After receipt of the draft report, the provider--agency entity may request an exit conference. The request for an exit conference must be received within 15 business days after receipt of the draft report. The request must be sent to the Department's audit-administrator Chief Auditor and must explain which findings and recommendations the provider-agency entity does not understand or does not agree with.

1) The exit conference shall be scheduled within 15 business days of the request and shall be only a general discussion meeting between the agency representatives and the auditors who performed the fieldwork. Proposed responses to the draft report may be presented at the time of the discussion.

- 2) When an exit conference is held, the final report shall contain a brief narrative regarding the date that the conference was held; the names of the persons attending; the topics discussed; and any mutually agreed changes to the draft that were decided during the exit conference.

- b) After the--exit-conference if the entity disagrees with the audit findings, it may request a reconsideration administrative hearing regarding of the findings and recommendations. A request for reconsideration an administrative hearing must be received in writing within 15 business days after the date conclusion of the exit conference and shall be directed to the Department's audit administrator administrator of the Administrative Hearings Unit. A request for reconsideration an administrative hearing must be accompanied by supporting documents or factual matter which refute or modify the Department's draft findings.

When a--request--for--a--reconsideration is received the--audit administrator shall review the--additional--supporting documents or factual matter submitted.

- d) The Department shall contact the provider within 30 days after the receipt of the request to schedule the reconsideration.

1) During the reconsideration hearing, the provider may:

- A) provide additional relevant documentation which was not originally available to the auditors or reviewers;
- B) provide records or documents which refute or modify the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Department's findings?

- E) explain procedures or policies which were not clearly presented during the audit and which relate to the findings? and

- B) have an attorney, accountant or auditor present who shall restrict his participation to an area of expertise

- 2) The Department's audit administrator will conduct the reconsideration and shall have the authority to subpoena witnesses and to compel the production of books, records and other documents which have a bearing on the reconsideration.

- 3) Prior to taking any testimony from any witness, the audit administrator shall require the witnesses to take an oath or affirmation of the validity of their statements.

- 4) Common law or statutory rules of evidence shall not apply as the provider will be granted significant latitude in presenting his views in accordance with paragraphs 1912 of the Illinois Administrative Procedure Act provided that the audit administrator retains the power to conduct the reconsideration in an orderly and timely manner.

- 5) Relevant exhibits shall be received into evidence and shall be numbered in order according to whether they are Department or provider exhibits.

- 6) Testimony shall be taken by the Department at the reconsideration and a record of the proceedings shall be preserved after by stenographic or electronic means. All exhibits shall also be preserved and made a part of the proceedings. A record of the proceedings shall be made available to the provider at cost.

- 7) The decision of the audit administrator will be based on facts presented at the reconsideration in the form of oral testimony or documentary exhibits. Within 30 days after the reconsideration of the audit administrator with concurrence of the Director of the Department shall modify the draft report to reflect the resulting determination. A final report will then be issued to the agency which incorporates all results or reconsidered findings, the agency's responses, and the auditor's final comments on each issue.

- 8) If the provider does not consent with the final report, the provider may pursue the matter in court.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.7 Certified Audits, Cost Reports and Desk Reviews

- a) The Department's requirements for providers include the annual filing of a cost report (for all providers in accordance with 89 Ill. Adm. Code 357) and a certified audit of the agency for providers entities who receive annual payments in excess of \$25,000 in any one contract year. The certified audit for all entities must be completed

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

and submitted within 180 calendar days after the completion of their fiscal year as required by Section 357.11(f) of Part 357, Purchase of Service (89 Ill. Adm. Code 357). Day care providers must complete audits in accordance with the Department's Guide for Audits of Day Care Provider Organizations. All Governmental and not-for-profit entities must complete audits in accordance with OMB Circulars A-128 or A-133, whichever is applicable.

b) The certified audit and related cost report reports are to be reviewed by the Internal Auditors and, when appropriate, a report on the certified audit or cost report reports will be issued to Department officials who are responsible for the contract(s). The general objectives of the desk review and report shall determine whether:

- 1) whether financial and service unit information is appropriately presented and is consistent with the generally accepted accounting principles;
- 2) that costs incurred in operating the contracted program service are not less than the revenues received directly for the program; subject to the provisions of item b) below;
- 3) that related party transactions are appropriately recorded and disclosed; and;
- 4) that significant accounting practices and other information which require disclosure (as described by generally accepted accounting principles) are disclosed appropriately; and
- 5) funds were used in accordance with Department policy and whether the entity has received monies in excess of actual reimbursable costs.

c) After reviewing the agency's certified audit report or the Department's internal audit report, the internal auditors must determine if the agency has received monies in excess of the actual reimbursable costs. If, in any fiscal year, payments from the Department exceed expenses attributable to the Department for a specified program, the agency may retain an amount equal to or less than 5% of the Department contract for that fiscal year. However, the total amount of excess payments retained from all past and current years may not exceed 5% of the current Department contract amount for the program in which payments were made. All retained amounts in excess of 5% of the current contract shall be returned to the Department either through rate reductions, services offered at no charge, or a check payable to the State Treasurer. At the termination or expiration of the contract(s), all accumulated excess of revenues or expenses directly attributable to the contract shall be returned by a check payable to the State Treasurer upon demand by the Department.

c) The Office of Internal Audits is responsible for answering all questions regarding the preparation of a certified audit. If the Department has not received the certified audit by the deadline of 180 calendar days after the completion of the entity's fiscal year, the Office of Internal Audits will notify the entity of the delinquency and send a copy of the notice to Department regional administrative

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

staff.

d) All certified audits are logged in upon receipt by the Office of Internal Audits and an audit digest (summary of findings) is prepared for each audit received. If the audit does not contain adequate information, the Office of Internal Audits will send a letter to the entity to request additional information. If the certified audit does not meet the standards set out in subsection (a), the entity will be given 30 business days to submit a new certified audit.

e) The Office of Internal Audits will prepare a desk review report which will highlight any deficiencies that are found in the audit and will contain specific recommendations for procedural changes in the preparation of certified audits. The completed desk review report will be sent directly to the entity, with a copy to appropriate Department regional staff.

f) Department regional staff are responsible for reviewing the recommendations contained in the desk review report and providing assistance as necessary to the entity in follow-up on the recommendations made. The desk review report may contain recommendations for contract or budget revisions which must be acted upon by the regional staff.

g) The desk review report may contain recommendations which require an additional response from the entity before the certified audit is accepted. The entity's response and concurrence with the recommendations of the desk review report will close the desk review process.

h) When the rates for group homes, institutions, day care, independent living, homemakers, Medicaid and unmarried mothers services are set by audited costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY'1981-FY'1993 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1994 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues which are identified will be recaptured during the following fiscal year contract period.

i) Waiver of the certified audit requirement must be requested in writing and directed to the Department's audit administrator, Chief Auditor. The request should state the reason for the waiver request. A request for an extension of the deadline for submittal of the audit beyond the time specified in the contract must also be submitted in writing to the audit administrator, Chief Auditor. The Department's audit administrator, Chief Auditor will respond to requests for waivers or extensions within thirty business days, specifying approval or rejection of the waiver. A request for a waiver of an audit will be granted if the provider has not received any administrative cost reimbursement under the contract and the contract does not require that the provider maintain accounting records. A request for an extension of the deadline for submittal of the audit will be granted

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- 16: the provider has experienced a major disruption of recordkeeping such as the death or illness of a key officer or employee, or of vanditmy criminal conduct or natural disaster, or the audit field work has started but it has been determined that the condition of the records are such that the records must be reconstructed prior to completion of the audit.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.8 Records Maintenance and Availability for Audit

All records specified in the Department's rate Rules on service--delivery (subchapter--a) Service Delivery (89 Ill. Adm. Code 300-313), and fiscal administration (subchapter--c) Fiscal Administration (89 Ill. Adm. Code 351-362), and License Standards (89 Ill. Adm. Code 377-410, as appropriate for the facility type), and any documents which support financial transactions, billing statements, or which should be included in a case or personnel file must be maintained by the provider for a period of five years. Department requests for review of records shall be subject to the following guidelines:

- a) provider--agencies entities shall be verbally requested to provide required records by properly authorized Department staff or designees after the commencement of desk review, limited review, preliminary review, limited scope audit, full scope audit or receipt of a questionable business paper;
- b) providers entities who fail to provide requested records shall be issued a written request for the documents. The request shall be from the Department Director, the audit administrator Chief Auditor or the contract administrator;
- c) if the records (requested in writing) are not provided within 15 business days of the date of the request, the Department's Director or authorized designee shall issue a subpoena for the requested records;
- d) continued failure to provide the requested records shall, with the Director's approval, result in termination of the Department's contract with the provider entity and forfeiture or withholding of payment.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.9 Responsibilities of the Office of Internal Audits

The Department of Children and Family Services is mandated by An--Act--relating to the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 1001 et. seq.) [30 ILCS 10] in--State--government--paragraph--13617 to monitor, report on, and enforce Department compliance with federal and state State statutes, Department rules, and policy, and management directives, as well as ensuring the integrity of Department assets through the review and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

monitoring of internal accounting controls. The Chief Auditor reports and is directly responsible to the Director of the Department. In order to fulfill their duties, the Department's internal-audit-office Office of Internal Audits regularly undertakes audits/reviews of Divisions or Units of the Department and activities of purchase of service providers and other entities which have contracts with or are licensed by the Department in order to assess their compliance with established law, policy and directives. Accordingly, Department staff are responsible for full cooperation with the internal audit staff in their efforts to monitor, measure, and recommend improvements in performance.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 434.10 Administrative Hearings of Draft Audit Findings and Recommendations

a) When a request for an administrative hearing is received, the administrator of the Administrative Hearings Unit may grant a request for a hearing only when:

- 1) the written request for an administrative hearing is received by the Department within the 15 business days following the conclusion of the exit conference;
- 2) the request is accompanied by supporting documents or factual matters which refute or modify the Department's draft finding; and
- 3) the issue is an audit issue encompassed within the jurisdiction of the Administrative Hearings Unit.

b) The administrator of the Administrative Hearings Unit shall dismiss a request for an administrative hearing only when:

- 1) The appeal has been withdrawn in writing;
- 2) The appeal has been abandoned. Abandonments shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual legally authorized to act on behalf of the appellant fails to appear at the hearing and the appellant does not have an adequate cause for failing to appear. Adequate cause for failing to appear at an administrative hearing may include but is not limited to:

- A) death in the family of the appellant or in the family of the appellant's representative;
- B) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family;
- C) transportation difficulties that make it impossible for the appellant or representative to appear at the hearing; or
- D) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department. However, it is the appellant's responsibility to keep the Department updated on any change

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

of address:

- 3) the issue is not within the jurisdiction of the appeal system;
 - 4) the request for an administrative hearing was not received within 15 calendar days following the conclusion of the exit conference;
 - 5) the appellant failed to notify the administrator of the Administrative Hearings Unit of a change of address, and a notice of the administrative hearing cannot be delivered.
- c) The Department shall provide written notice of the decision to grant or deny the request for an administrative hearing within 20 calendar days after receipt of the request for an administrative hearing. If the administrator of the Administrative Hearings Unit finds that the issue is not appealable under this Part, but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings), the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.
- d) The administrator of the Administrative Hearings Unit shall:
- 1) schedule the hearing at a date within 30 calendar days after the date of the appellant's written request for hearing;
 - 2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties. If the parties cannot agree to a reasonably convenient time and place, the administrator shall make this determination and proceed to schedule the hearing;
 - 3) provide a written notice to the appellant at least 15 calendar days before the scheduled hearing, which shall contain the following information:
 - A) the date, time and location of the hearing;
 - B) a statement that the appellant or appellant's representative's failure to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing; and
 - C) a statement of the parties' rights during the appeal process.
- e) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- f) An appellant may request the Department employee who had direct involvement in the audit, or other persons who may have information relevant to the issues in dispute, to attend the hearing by asking the administrator of the Administrative Hearings Unit to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.
- g) Any motions from the appellant or the Department shall be filed with the administrative law judge at least 10 calendar days before the hearing. Copies shall be provided simultaneously to the Department's representative and the appellant.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- h) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.
- i) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing. If a party fails to disclose evidence and then seeks to introduce it at the hearing, the administrative law judge shall consider the surmise or prejudice to the other parties, including prior disclosure during the audit process. The administrative law judge's authority includes adjourning or continuing the hearing to a later time or date to permit the other parties to examine the evidence and prepare their cases accordingly.
- j) During the administrative hearing, the appellant and the Department have the right to:
- 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses; and
 - 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.
- k) In an administrative hearing concerning audit findings:
- 1) the Department carries the burden of proof by preponderance of the evidence; and
 - 2) the administrative law judge has the authority to recommend changes in the audit findings record.
- l) Appointment of the Administrative Law Judge
The administrator of the Administrative Hearings Unit shall select and the Director shall appoint a trained impartial administrative law judge from the available pool to conduct the appeal hearing. The administrative law judge shall:
- 1) be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law including familiarity with Department rules, procedures and functions;
 - 3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision maker on the issue; and
 - 4) not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- m) Functions of the Administrative Law Judge
The administrative law judge shall have all authority allowed under the Illinois Administrative Procedure Act [Ill. Rev. Stat. 1991, ch.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

127, par. 1001-1 et seq.) [5 ILCS 100]. This authority shall include, but is not limited to, the following:

- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct preliminary and prehearing telephone conferences if necessary between the parties and/or their attorneys to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law in order to expedite the actual hearing;
- 5) take necessary steps to develop a full and fair record which contains all relevant facts;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause, including but not limited to relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) preserve all documents and evidence for the record;
- 9) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 10) order the removal of any person from the hearing room who is creating a disturbance whether by physical action, profanity or otherwise engaging in conduct which disrupts the hearing;
- 11) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 12) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received. The opinion shall contain a summary of the evidence, findings of fact, conclusions of law and a recommendation.

n) Combined Hearings

When a common issue is raised, the Department may respond to requests for hearings from more than one appellant by conducting a single group hearing. The Department may also combine all issues raised by a single petitioner in one hearing. In all group hearing, the appeal system in this Part shall apply. Individuals shall be permitted to present their own cases separately. The Department, if required for the fair, efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the combined hearing. The severed party or issue shall be heard separately.

o) Making the Final Administrative Decision

The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision. The Director's decision is the final

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

administrative decision of the Department and shall be based upon good business practices and generally accepted accounting principles. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision and within the timeframes prescribed within the decision.

p) Notice of the Availability of Judicial Review

The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that under the provisions of the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/Art. 3] that they may seek judicial review of the Department's decisions if it is unfavorable to them, within the statutory time frame.

q) Who Receives Copies of the Final Administrative Decision

The appellant or authorized representative, the Department's representative, the administrative law judge, and the administrator of the Administrative Hearings Unit shall receive a copy of the final administrative decision.

r) Records of Administrative Hearings

The permanent record of the administrative hearing and the final administrative decision shall be maintained by the administrator of the Administrative Hearings Unit. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department) and Federal or State laws and regulations on confidentiality.

(Source: Added at 18 Ill. Reg. _____, effective _____)

434.10 434.11 Referrals by Department Employees to the Investigations

Section
Unit

- a) Department employees are responsible for referring specific types of problems identified as a result of their work to the unit of the Department responsible for investigations. Examples of the type of problems or inappropriate activities which should be referred are:
 - 1) employee or provider fraud;
 - 2) submittal of erroneous travel vouchers by Department staff;
 - 3) threatening letters or telephone calls received by Department employees;
 - 4) reports of alleged child abuse or neglect by Department employees in their roles as employees;
 - 5) kickbacks between providers, or between a provider and a Department employee;
 - 6) misuse of state funds by a Department employee;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

- 7) misrepresentation of vital information (employment history, criminal background, identifying information) by a Department employee or provider agency;
 - 8) knowledgeable submittal of inaccurate Department, State or federal report; and
 - 9) release of confidential information to unauthorized individuals.
- b) Any other activities which are of a potentially criminal nature (i.e., violation of State or Federal federal law) should also be reported to the investigations unit.
- c) The investigation process will require the investigator(s) assigned to the case to conduct a formal verbal interview with the employee reporting the incident/activity, which will later be supplemented by a written, signed statement summarizing the content of the interview. Full, accurate disclosure of all pertinent information will be necessary to ensure the integrity of the investigation.

(Source: Former Section 434.10 renumbered to Section 434.11 and amended at 18 Ill. Reg. _____, effective _____)

Section 434.12 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Added at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Adopted Action:
720.110 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].
- 5) Effective Date of Amendments: APR 26 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference?
No. 35 Ill. Adm. Code 720.111 contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is cross-referenced. Although the present amendments updated citations to the 1992 Code of Federal Regulations and to the issue of the Federal Register in which certain federal actions appeared, none of these are incorporations of substantive materials by reference.
- 8) Date filed in Board's principal office: Order adopted March 17, 1994.
- 9) Notice of Proposal Published in Illinois Register:
January 14, 1994, 18 Ill. Reg. 337
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1013(c) [415 ILCS 5/13(c)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
Communication from staff of JCAR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCAR, U = U.S. EPA, and B = Board):

Section/Location^{Source}

Change (Explanation)

720. Main Source Note'

added missing references and citations for prior amendments in R91-1, R91-13, and R92-1

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 720.110 "designated facility"^b updated references to Code of Federal Regulations
- 720.110 "facility"^b corrected cross-reference to 35 Ill. Adm. Code 724
- 720.110 "boiler", "closed portion", "corrosion expert", "existing hazardous waste management facility", "hazardous waste management unit", "inactive portion", "individual generation site", "injection well", "landfill cell", "Leak-detection system", "new hazardous waste management facility", "new tank system", "on-site", "Partial closure", "point source", "qualified groundwater scientist" Board Note, "re-placment unit", "thermal treatment", "totally enclosed treatment facility", "transport vehicle", "treatability study" & "underground injection"^b
- 720.110 "disposal facility"^s underlined new language not previously underlined
- 720.110 "on-site"^b improper capitalization corrected
- 720.110 "USEPA"^j definition consolidated into definition at "EPA"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, where JCAR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action	Summary
58 Fed. Reg. 8658 (Feb. 16, 1993)	Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions
58 Fed. Reg. 14317 (Mar. 17, 1993)	Amendments to land disposal restrictions for Third Third wastes.
58 Fed. Reg. 26420 (May 3, 1993)	Technical amendments to the used and waste oil management standards
58 Fed. Reg. 28506 (May 14, 1993)	Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris
58 Fed. Reg. 29860 (May 24, 1993)	Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated
58 Fed. Reg. 33341 (June 17, 1993)	Corrections to used and waste oil management standards

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 720 implement the corrective action management unit (CAMU) and temporary unit (TU) rules and make a small number of general updates and corrections. Definitions of "corrective action management unit" and "remediation waste" are added, and the definitions of "disposal facility", "facility", "landfill", and "miscellaneous unit" are amended as part of the CAMU rules. The Board has also, by way of general update and correction, consolidated the definitions of "USEPA" and "U.S. EPA" into the definition of "EPA"; changed all references to "U.S. EPA" in the text of the rules at the definitions of "designated facility", "EPA hazardous waste number", "EPA identification number", and "manifest document number"; updated the Code of Federal Regulations references at "designated facility"; and corrected spelling or punctuation in the definitions of "active portion", "boiler", "closed portion", "corrosion expert", "existing hazardous waste management facility", "hazardous waste management unit", "inactive portion", "individual generation site", "injection well", "landfill cell", "leak-detection system", "new hazardous waste management facility", "new tank system", "on-site", "partial closure", "point source", the Board Note following "qualified groundwater

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

scientist", "replacement unit", "thermal treatment", "totally enclosed treatment facility", "transport vehicle", "treatability study", and "underground injection".

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Availability of Information; Confidentiality of Information
Use of Number and Gender

Section
720.101
720.102
720.103

SUBPART B: DEFINITIONS

Definitions
References

Section
720.110
720.111

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Rulemaking
Alternative Equivalent Testing Methods
Waste Delisting
Procedures for Solid Waste Determinations
Solid Waste Determinations
Boiler Determinations
Procedures for Determinations
Additional regulation of certain hazardous waste Recycling
Activities on a case-by-case Basis
Procedures for case-by-case regulation of hazardous waste
Recycling Activities

Section
720.120
720.121
720.122
720.130
720.131
720.132
720.133
720.140
720.141

720. Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17836, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 17 Ill. Reg. effective APR 26 1994.

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery Section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery Section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery Section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery Section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

stored, transported, treated, disposed of or otherwise handled.

"Containment Building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: U.S. EPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from U.S. EPA pursuant to 40 CFR 124 and 270 (1992);

Has received a RCRA permit from a state authorized by U.S. EPA pursuant to 40 CFR 271 (1992); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by U.S. EPA pursuant to 40 CFR 271, but which has not yet obtained authorization to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA" or "U.S. EPA" or "USEPA" means United States Environmental Protection Agency.

"EPA hazardous waste number" or "U.S. EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by EPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "U.S. EPA identification number" or "USEPA identification number" means the number assigned by U.S. EPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

facility.

"EPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986.

Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721. Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(See 35 Ill. Adm. Code 725. Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

make a material product;

The use of the device in common industrial practice to produce a material product; and
Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, ~~or a cave, or a corrective action management unit (CAMU).~~

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the U.S. EPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, containment building, corrective action management unit (CAMU), or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system.")

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontained accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to Ill. Rev. Stat. 1991, ch. 111, par. 5201 [225 ILCS 325/1] and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified ground water professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

releases beyond the facility boundary.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Replacement unit" means a landfill, surface impoundment or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store or dispose of hazardous waste. "Replacement unit" does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by U.S. EPA or the Agency.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities; except that, as used in the landfill, surface impoundment and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. _Or,_

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. _A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. _(See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

~~"USEPA" means United States Environmental Protection Agency.~~

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at ___ Ill. Reg. ___, effective
APR 26 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE2) Code Citation: 35 Ill. Adm. Code 7213) Section Numbers: Adopted Action:721.103, 721.105, 721.105
721.106 Amendment
Amendment4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].5) Effective Date of Amendments: APR 26 19946) Does this rulemaking contain an automatic repeal date? No.7) Do these amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is cross-referenced. The former text of Section 721.103(a)(2)(E) included an incomplete incorporation of "SW-846" by reference, in that it did not exclude later editions and amendments. Further the format did not comport with the Board's custom, as described above. The Board corrected this incorporation by referring to 35 Ill. Adm. Code 720.111.

8) Date filed in Board's principal office: Order adopted March 17, 1994.9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 357

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (111. Rev. Stat. 1991, ch. 111½, par. 1013(c)) [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Communication from staff of JCAR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCAR, U = U.S. EPA, and B = Board):

Section/Location Source

Change (Explanation)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

721.103(a)(2)(E)^a

incorporation by reference format changed to central format

721.103(a)(2)(A), (a)(2)(B),
(a)(2)(C), (a)(2)(D),
(a)(1)(E) & (f)^a

references to Subparts within the Part corrected to standard format, to conform with R91-13 amendments

721.103(a)(2)(A), (a)(2)(D)(iv),
(c)(2)(A), (c)(2)(B)(iii) &
(d)(1)^a

spacing corrected after periods

721.104(a), (a)(1)(B), (a)(2)
Board Note, (b), (b)(7),
(b)(11), (c), (d)(1),
(e)(1), (e)(3), (f), (f)(3)
& (f)(7)^a

spacing corrected after periods

721.104(a)(10)^a

spelling corrected

721.106(a)(3)(g)^a

reference to Subpart within the Part corrected to standard format, to conform with R91-13 amendments

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, where JCAR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

13) Will these amendments replace an emergency amendment currently in effect? No.14) Are there any other amendments pending on this Part? No.15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action

Summary

58 Fed. Reg. 8658 (Feb. 16, 1993)

Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Subtitle C corrective actions

58 Fed. Reg. 14317 (Mar. 17, 1993) Amendments to land disposal restrictions for Third Third wastes.

58 Fed. Reg. 26420 (May 3, 1993) Technical amendments to the used and waste oil management standards

58 Fed. Reg. 28506 (May 14, 1993) Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris

58 Fed. Reg. 29860 (May 24, 1993) Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated

58 Fed. Reg. 33341 (June 17, 1993) Corrections to used and waste oil management standards

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 721 are in response to the federal corrections and clarifications of the used and waste oil regulations. Hence, Sections 721.104(b)(13) through (b)(15) and 721.105(j) were amended. Further, the Board made a number of corrections to the format of numerous cross-references at Sections 721.103(a)(2)(A) through (a)(2)(E) and (f), and 721.106(a)(3)(G); corrections to spelling and spacing at Sections 721.103(c)(2)(B)(iii), 721.104(a)(1)(B), (a)(2), (a)(10), (b), (b)(7), (b)(11), (c), (d)(1), (e)(1), (e)(3), (f), (f)(3), and (f)(7); and changes all references to read "U.S. EPA" at Sections 721.104(b)(11)(B), (e)(2)(c)(ii), (e)(2)(E)(iii), (f)(7)(2), (f)(7)(A), (f)(9)(A), and (f)(9)(C).

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Requirements for Hazardous Waste in Empty Containers
721.107	Residues of Hazardous Waste
721.108	PCB Wastes Regulated under TSCA

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	Criteria for Listing Hazardous Waste
721.111	

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Waste from Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.133	Wood Preserving Wastes
721.135	
721.Appendix A	Representative Sampling Methods
721.Appendix B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
721.Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
721.Appendix G	Basis for Listing Hazardous Wastes
721.Appendix H	Hazardous Constituents
721.Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

- ii) One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

- iii) One of the following wastes listed in Section 721.132 - heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

- iv) A discarded commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. "For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinseate from empty containers or from containers that are rendered empty by that rinsing; or

- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

are not to be included in this calculation.

- E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721-Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, 3d ed., incorporated by reference at 35 Ill. Adm. Code 720.111111111111, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 721-Appendix H). US EPA Publication SW-8467 Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954 (202) 783-3238 (document number 955-001-00000-1).

- i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- b) A solid waste which is not excluded from regulation under subsection (a)(1) above becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in Subpart D of this Part, when the waste first meets the listing description set forth in Subpart D of this Part.

- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D of this Part is first added to the solid waste.

- 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C of this Part.

- c) Unless and until it meets the criteria of subsection (d) below:

- 1) A hazardous waste will remain a hazardous waste.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2) Specific inclusions and exclusions.

- A) Except as otherwise provided in subsection (c)(2)(B) below, any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

- B) The following solid wastes are not hazardous even though they are generated from the treatment, storage or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

- i) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332) (Standard Industrial Codes, as defined and incorporated by reference in 35 Ill. Adm. Code 720.110 and 720.111).

- ii) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(E), (F), (G) or (H).

- iii) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062 or F006 waste, in units identified, that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection for all constituents, and exhibit no characteristics of hazardous waste. The types of units are: rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are:

Constituent Maximum for any single composite sample (mg/L)

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues.

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Vanadium	1.26
Zinc	70.

Generic exclusion levels for F006 nonwastewater HTMR residues

Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or state agency authorized to implement 40 CFR 268 requirements) for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to RCRA Subtitle D units. The notification and certification that is placed in the generators or treaters files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the nonhazardous waste management unit receiving the waste shipment; The USEPA hazardous waste number and treatability group at the initial point of generation; The treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE. The generic exclusion levels for arsenic and zinc are higher than the HTMR based alternative treatment standards for KO62 and FO06, and HTMR based treatment standards for KO61, specified in 35 Ill. Adm. Code 728.141. However, the HTMR residues must meet the applicable treatment standards prior to generic exclusion. Therefore, to be eligible for a generic exclusion, the treated residues must meet the lower of either the treatment standards or the generic exclusion levels for each constituent.

d) Any solid waste described in subsection (c) above is not a hazardous waste if it meets the following criteria:

- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C of this Part. (However, wastes which exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)
- 2) In the case of a waste which is a listed waste under Subpart D of this Part, contains a waste listed under Subpart D of this Part or is derived from a waste listed in Subpart D of this Part, it also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.
- e) This subsection corresponds with 40 CFR 261.3(e), a subsection which has been deleted from the federal regulations. This statement maintains structural consistency with USEPA rules.
- f) Notwithstanding subsections (a) through (d) above and provided the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

debris as defined in 35 Ill. Adm. Code 728 does not exhibit a characteristic identified at 721-Subpart D of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 720, 721 to 726, 728, or 730:

- 1) Hazardous debris as defined in 35 Ill. Adm. Code 728 that has been treated using one of the required extraction or destruction technologies specified in Table A of 35 Ill. Adm. Code 728.145; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
- 2) Debris as defined in 35 Ill. Adm. Code 728 that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(Source: Amended at 18 Ill. Reg. _____, effective _____ APR 26 1994)

Section 721.104 Exclusions

a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
 - 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.
- BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
 - 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
 - 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
 - 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

in Section 721.101(c);

- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:

- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

- B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);

- C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

- D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

- A) Spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose; and

- B) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

- 10) Hazardous waste number K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes which are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or the tar refining processes, or mixed with coal.

- 11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

b) Solid wastes which are not hazardous. The following solid wastes are not hazardous wastes:

- 1) Household waste, including household waste that has been

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:

- i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
- ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops.
- B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.

- 4) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

6) Chromium wastes:

- A) Wastes which fail the test for the toxicity characteristic (Sections 721.124 and 721.124 Appendix B) because chromium is present or are listed in Subpart D of this Part due to the presence of chromium, which do not fail the test for the toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii), above, (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
 - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, flotation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:

- A) Slag from primary copper processing;
- B) Slag from primary lead processing;
- C) Red and brown muds from bauxite refining;
- D) Phosphogypsum from phosphoric acid production;
- E) Slag from elemental phosphorus production;
- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;
- O) Process wastewater from primary magnesium processing by the anhydrous process;
- P) Process wastewater from phosphoric acid production;
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- S) Chloride processing waste solids from titanium tetrachloride production; and,
- T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) Injected groundwater that is hazardous only because it exhibits the toxicity characteristic (U.S. EPA hazardous waste codes D018 through D024 only) in Section 721.124 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals and petroleum bulk plants, petroleum pipelines and petroleum spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such at petroleum refineries, marketing terminals and bulk plants, until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

- A) Operations are performed pursuant to a "free product removal report" pursuant to 35 Ill. Adm. Code 731.164;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- and
- B) A copy of the "free product removal report" has been submitted to:
- Characteristics Section (OS-333)
U.S. EPA
401 M Street, SW
Washington, D.C. 20460
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, which use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- ~~13) This subsection should contain the equivalent of 40-CFR 261.4(b)(13), which USERRA has not yet adopted.~~
- ~~14) This subsection should contain the equivalent of 40-CFR 261.4(b)(14), which USERRA has not yet adopted.~~
- 15) Non-terne plated used oil filters which are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- B) Hot-draining and crushing;
- C) Dismantling and hot-draining; or,
- D) Any other equivalent hot-draining method which will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.
- d) Samples
- 1) Except as provided in subsection (d)(2) below, a sample of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing; or
- B) The sample is being transported back to the sample collector after testing; or
- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- D) The sample is being stored in a laboratory before testing; or
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:
 - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - ii) Package the sample so that it does not leak, spill or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) above.

e) Treatability study samples.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Except as is provided in subsection (e)(2) below, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) above is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and
- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (ii), below, are met.

- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or

- ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

including its U.S. EPA hazardous waste number.

- D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status.
- E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:
- i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and U.S. EPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.

- F) The generator reports the information required in subsection (e)(2)(E)(iii) above in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) above, for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F), above. The generator or sample collector must apply to the Agency and provide in writing the following information:

- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
- B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the available results of each treatability study;

- C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
 - D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,
 - E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.

- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this part, or of 35 Ill. Adm. Code 702, 703, 705, 723 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11), below, are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11), below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11), below, apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
- 2) The laboratory or testing facility conducting the treatability study has a U.S. EPA identification number.
- 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:

- A) Treatability study residues; and,
- B) Treatment materials (including nonhazardous solid

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

waste) added to "as received" hazardous waste.

- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address and U.S. EPA identification number of the generator or sample collector of each waste sample;
- B) The date the shipment was received;
- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the U.S. EPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- A) The name, address and U.S. EPA identification number of the facility conducting the treatability studies;
- B) The types (by process) of treatability studies conducted;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) The names and addresses of persons for whom studies have been conducted (including their U.S. EPA identification numbers);
- D) The total quantity of waste in storage each day;
- E) The quantity and types of waste subjected to treatability studies;
- F) When each treatability study was conducted;
- G) The final disposition of residues and unused sample from each treatability study;
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption above.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: 2 amended at Ill. Reg. _____, effective APR 26 1994)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.
- b) Except for those wastes identified in subsections (e), (f), (g) and (j) below, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j) below.
- c) Hazardous waste that is not subject to regulation or that is subject only to 35 Ill. Adm. Code 722.111, 722.112, 722.140(c) and 722.141 is not included in the quantity determinations of this Part and 35 Ill. Adm. Code 722 through 726 and 728, and is not subject to any requirements of those Parts. Hazardous waste that is subject to the requirements of Section 721.106(b) and (c) and 35 Ill. Adm. Code 726.Subparts C, D and F is included in the quantity determinations of this Part and is subject to the requirements of this Part and 35 Ill. Adm. Code 722 through 726 and 728.
- d) In determining the quantity of hazardous waste it generates, a generator need not include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Hazardous waste when it is removed from on-site storage; or
- 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or,
- 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- 1) A total of one kilogram of acute hazardous wastes listed in Sections 721.131, 721.132, or 721.133(e); or
- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Sections 721.131, 721.132, or 721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) above to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsections (e)(1) or (e)(2) above, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:
 - A) Permitted under 35 Ill. Adm. Code 703;
 - B) In interim status under 35 Ill. Adm. Code 703 and 725;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by U.S. EPA;
- D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
- E) A facility which:
 - i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111;
- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
- 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:
 - A) Permitted under 35 Ill. Adm. Code 702 and 703;
 - B) In interim status under 35 Ill. Adm. Code 703 and 725;
 - C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by U.S. EPA under 40 CFR 271 (1986);
 - D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or
 - E) A facility which:
 - i) Beneficially uses or re-uses, or legitimately

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- recycles or reclaims the small quantity generator's waste; or
- ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

- h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 726.106-6, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: APR 20 1994 at Ill. Reg. _____, effective _____)

Section 726.106 Requirements for Recyclable Materials

- a) Recyclable materials:
- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters and storage facilities of subsections (b) and (c), below, except for the materials listed in subsections (a)(2) and (3), below. Hazardous wastes that are recycled will be known as "recyclable materials".
 - 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
 - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H.)
 - C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
 - D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.156:
- i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment to the transporter transporting the shipment for export;
 - ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.
- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- C) Scrap metal;
- D) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;
- E) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;
- F) Petroleum refining wastes.
- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

G) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in Subpart D of this Part.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used. Such term includes, but is not limited to, oil which is re-refined, reclaimed, burned for energy recovery, or reprocessed.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a), above.

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 724. Subparts A through L, AA and BB and 725. Subparts A through L, AA and BB, 726, 728, 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a), above. (The recycling process itself is exempt from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

regulation, except as provided in subsection (d), below.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a), above.

A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.

B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)

C) subsection (d), below.

d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which recycle hazardous wastes are subject to 35 Ill. Adm. Code 724. Subpart AA and BB and 725. Subpart AA and BB.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Adopted Action:

725.101, 725.243, 725.543 Amended

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

APR 26 1994

5) Effective Date of Amendments:

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference?

No. Although the existing text includes many references to the Code of Federal Regulations, none of those references were formal incorporations by reference, and none were amended in this rulemaking.

8) Date filed in Board's principal office: Order adopted March 17, 1994.

9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 377

10) Has JCRR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1013(c)) [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

11) Differences between proposal and final version:

Communication from staff of JCRR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCRR, U = U.S. EPA, and B = Board):

Section/Location^{Source}

Change (Explanation)

725.101(c)(6)⁸

cross-references to above subsections and Part 739 corrected

725.243(e)(10)⁸

misspelling of "operator" corrected

725.243(i)⁸

subsection designation corrected

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

725.543(b)(1), (b)(2), (g) & (k)⁸ spacing corrected after periods

725.543(b)(3) & (b)(3)(A)⁸ misspellings corrected in 892-10 respond to amendments in 892-10

12) Have all the changes agreed upon by the Board and JCRR been made as indicated in the agreement letter issued by JCRR?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR. However, where JCRR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action

Summary

58 Fed. Reg. 8658 (Feb. 16, 1993) Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions

58 Fed. Reg. 14317 (Mar. 17, 1993) Amendments to land disposal restrictions for Third Third wastes.

58 Fed. Reg. 26420 (May 3, 1993) Technical amendments to the used and waste oil management standards

58 Fed. Reg. 28506 (May 14, 1993) Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris

58 Fed. Reg. 29860 (May 24, 1993) Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated

58 Fed. Reg. 33341 (June 17, 1993) Corrections to used and waste oil management standards

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 725 implement the federal used and waste oil corrections and amendments and the corrective action management unit (CAMU)/temporary unit (TU) rules. Thus, Section 725.101(b) was amended to correspond with the CAMU/TU rules, and Section 725.101(c)(6) was amended to correspond with the used and waste oil corrections. In addition to the federally-driven amendments, several corrective amendments are made. Section 725.243(i) was renumbered; grammar, spelling, and spacing was corrected at Section 725.543(b)(3), (b)(3)(A), (g), (k), and (n).

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Imminent Hazard Action

Section
725.101
725.104

SUBPART B: GENERAL FACILITY STANDARDS

Applicability
USEPA Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

Section
725.110
725.111
725.112
725.113
725.114
725.115
725.116
725.117

725.118
725.119

SUBPART C: PREPAREDNESS AND PREVENTION

Applicability
Maintenance and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

Section
725.130
725.131
725.132
725.133
725.134
725.135
725.137

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan
Emergency Coordinator
Emergency Procedures

Section
725.150
725.151
725.152
725.153
725.154
725.155
725.156

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Applicability
Use of Manifest System
Manifest Discrepancies
Operating Record
Availability, Retention and Disposition of Records
Annual Report
Unmanifested Waste Report
Additional Reports

Section
725.170
725.171
725.172
725.173
725.174
725.175
725.176
725.177

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: GROUNDWATER MONITORING

Section
725.190
725.191
725.192
725.193
725.194

Applicability
Groundwater Monitoring System
Sampling and Analysis
Preparation, Evaluation and Response
Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE

Section
725.210
725.211
725.212
725.213
725.214
725.215
725.216
725.217
725.218
725.219
725.220

Applicability
Closure Performance Standard
Closure Plan; Amendment of Plan
Closure; Time Allowed for Closure
Disposal or Decontamination of Equipment, Structures and Soils
Certification of Closure
Survey Plat
Post-closure Care and Use of Property
Post-closure Plan; Amendment of Plan
Post-closure Notices
Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
725.240
725.241
725.242
725.243
725.244
725.245
725.246

Applicability
Definitions of Terms as Used in this Subpart
Cost Estimate for Closure
Financial Assurance for Closure
Financial Assurance for Post-closure Care
Cost Estimate for Post-closure Monitoring and Maintenance
Financial Assurance for Post-closure Monitoring and Maintenance
Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care

Liability Requirements
Incapacity of Owners or Operators, Guarantors or Financial Institutions
Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
725.270
725.271
725.272
725.273
725.274
725.276
725.277

Applicability
Condition of Containers
Compatibility of Waste with Container
Management of Containers
Inspections
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

SUBPART J: TANK SYSTEMS

Section
725.290
725.291
725.292
725.293
725.294
725.295
725.296
725.297
725.298

Applicability
Assessment of Existing Tank System's Integrity
Design and Installation of New Tank Systems or Components
Containment and Detection of Releases
General Operating Requirements
Inspections
Response to leaks or spills and disposition of Tank Systems
Closure and Post-Closure Care
Special Requirements for Ignitable or Reactive Waste

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Special Requirements for Incompatible Wastes

725.299
725.300
725.301

Waste Analysis and Trial Tests
Generators of 100 to 1000 kg/mo.

SUBPART K: SURFACE IMPOUNDMENTS

Section
725.320
725.321
725.322
725.323
725.324
725.325
725.326
725.328
725.329
725.330

Applicability
Design and Operating Requirements
Action Leakage Rate
Response Actions
Containment System
Waste Analysis and Trial Tests
Monitoring and Inspections
Closure and Post-closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

SUBPART L: WASTE PILES

Section
725.350
725.351
725.352
725.353
725.354
725.355
725.356
725.357
725.358
725.359
725.360

Applicability
Protection from Wind
Waste Analysis
Containment
Design and Operating Requirements
Action Leakage Rates
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Closure and Post-closure Care
Response Actions
Monitoring and Inspection

SUBPART M: LAND TREATMENT

Section
725.370
725.372
725.373
725.376
725.378
725.379
725.380
725.381
725.382

Applicability
General Operating Requirements
Waste Analysis
Food Chain Crops
Unsaturated Zone (Zone of Aeration) Monitoring
Recordkeeping
Closure and Post-closure
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section
725.400
725.401
725.402
725.403
725.404
725.409
725.410
725.412
725.413
725.414
725.415
725.416

Applicability
Design Requirements
Action Leakage Rate
Response Actions
Monitoring and Inspection
Surveying and Recordkeeping
Closure and Post-closure
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Liquid Wastes
Special Requirements for Containers
Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

725.954 Standards: Pressure Relief Devices in Gas/Vapor Service
725.955 Standards: Sampling Connecting Systems

Applicability
Waste Analysis
General Operating Requirements
Monitoring and Inspection
Closure
Interim Status
Incinerators Burning Particular Hazardous Wastes

725.962 Skip Period Alternative for Valves
725.963 Test Methods and Procedures
725.964 Recordkeeping Requirements

Other Thermal Treatment
General Operating Requirements
Waste Analysis
Monitoring and Inspections
Closure
Open Burning; Waste Explosives
Interim Status Thermal Treatment
Hazardous Waste
Burning Particular

725. Appendix A Recordkeeping Instructions

Applicability
General Operating Requirements
Waste Analysis and Trial Tests
Inspections
Closure
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

Applicability

SUBPART W: DRIP PADS

applicability
assessment of existing drip pad integrity
design and installation of new drip pads
design and operating requirements
inspections
closure

in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 11 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 13489, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 19338, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R89-26 at 13 Ill. Reg. 14069, effective June 1, 1989.

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Applicability
Definitions
Standards: Process Vents
Standards: Closed-vent Systems and Control Devices
Test methods and procedures
Recordkeeping Requirements

SUPPORT A: GENERAL PROVISIONS

Applicability
Definitions
Standards: Pumps in Light Liquid Service
Standards: Compressors

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]).

[illegible]

APR 26 1994

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.
- b) The standards in this Part and of 35 Ill. Adm. Code 724.652 and 724.653 apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, or failed to file Part A of the Permit Application as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section, i.e., 40 CFR 270 and 124, the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

- c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) above.

- 3) The owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) The owner or operator of a facility permitted, licensed or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2), ~~and through (a)(4)~~ (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739);
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table D), or corrosive (D002) waste, in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:
- A) Except as provided in subsection (c)(1)(B), below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
- i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
- C) Any person who is covered by subsection (c)(1)(A), above and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110), or the addition of waste to the absorbent material in a container, provided that these actions occur at the time waste is first placed in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026 or F027 unless:

- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- 2) The waste is stored in tanks or containers;
- 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) as well as all other applicable requirements of Subpart L;
- 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

- e) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards, are considered material conditions or requirements of the interim status standards of this Part.

- f) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

(Source: 26 APR 1994 at _____ Ill. Reg. _____, effective

SUBPART H: FINANCIAL REQUIREMENTS

Section 725.243 Financial Assurance for Closure

An owner or operator of each facility shall establish financial assurance for closure of the facility. The owner or operator shall choose from the options as specified in subsections (a) through (e), below.

- a) Closure trust fund.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund which conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
- 2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment as specified in 35 Ill. Adm. Code 724.251. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.
- 3) Payments into the trust fund must be made annually by the owner or operator over the 20 years beginning May 19, 1981, or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:
 - A) The first payment must be made before May 19, 1981, except as provided in subsection (a)(5), below. The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (f), below, divided by the number of years in the pay-in period.
 - B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:
 Next payment = $(CE - CV) / Y$
 where CE is the current closure cost estimate,
 CV is the current value of the trust fund and Y
 is the number of years remaining in the pay-in period.
- 4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3), above.
- 5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in subsection (a)(3), above.
- 6) After the pay-in period is completed, whenever the current

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.

7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (a)(7) or (a)(8), above, the Agency shall instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency shall instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it shall withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h), below, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency shall provide the owner or operator a detailed written statement of reasons.

11) The Agency shall agree to termination of the trust when:

A) An owner or operator substitutes alternate financial assurance as specified in this Section; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.

b) Surety bond guaranteeing payment into a closure trust fund.

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this subsection and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), above except that:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

- i) Payments into the trust fund as specified in subsection (a);
- ii) Updating of Schedule A of the trust agreement (see 40 CFR 264.251(a)) to show current closure cost estimates;
- iii) Annual valuations as required by the trust agreement; and
- iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

- A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
- B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or
- C) Provide alternate financial assurance as specified in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

- 5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.
 - 6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (f), below.
 - 7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
 - 8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
 - 9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.
- c) Closure letter of credit.
- 1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this subsection and submitting the letter to the Agency. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.
 - 2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.
 - 3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency will be deposited by the issuing institution directly into

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), above, except that:

- A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and
- B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.
 - i) Payments into the trust fund as specified in subsection (a), above;
 - ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current closure cost estimates;
 - iii) Annual valuations as required by the trust agreement; and
 - iv) Notices of nonpayment as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (f), below.

7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, shall either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

amount of the current closure cost estimate following written approval by the Agency.

- 8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the approved closure plan when required to do so, the Agency may draw on the letter of credit.
- 9) If the owner or operator does not establish alternate financial assurance as specified in this Section and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency shall draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this Section and obtain written approval of such assurance from the Agency.

- 10) The Agency shall return the letter of credit to the issuing institution for termination when:

- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
- B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.

d) Closure insurance.

- 1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance which conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.
- 2) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.
- 3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection (f), below. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.
- 4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.

- 5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency shall instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h), below, that the owner or operator is no longer required to maintain financial assurance for final closure of the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency shall provide the owner or operator with a detailed written statement of reasons.
- 6) The owner or operator shall maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (d)(10), below. Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.
- 7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.
- 8) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

- A) The Agency deems the facility abandoned; or
 - B) Interim status is terminated or revoked; or
 - C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction; or
 - D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy); or
 - E) The premium due is paid.
- 9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, shall either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.
- 10) The Agency shall give written consent to the owner or operator that the owner or operator may terminate the insurance policy when:
- A) An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h) below.

e) Financial test and corporate guarantee for closure.

- 1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this subsection. To pass this test the owner or operator shall meet the criteria of either subsection (e)(1)(A) or (e)(1)(B), below:
- A) The owner or operator shall have:
 - i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.
- B) The owner or operator shall have:
- i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's; and
 - ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
 - iii) Tangible net worth of at least \$10 million; and
 - iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

- 2) The phrase "current closure and post-closure cost estimates" as used in subsection (e)(1), above, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 264.151(f)) (incorporated by reference in 35 Ill. Adm. Code 724.251). The phrase "current plugging and abandonment cost estimates" as used in subsection (e)(1), above, refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (40 CFR 144.70(f)), incorporated by reference in 35 Ill. Adm. Code 704.240.
- 3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following items to the Agency:

- A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251; and
- B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:
- The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.
- 5) After the initial submission of items specified in subsection (e)(3), above, the owner or operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (e)(3), above.
- 6) If the owner or operator no longer meets the requirements of subsection (e)(1), above, the owner or operator shall send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator shall provide the alternate financial assurance within 120 days after the end of such fiscal year.
- 7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1), above, require reports or financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3), above. If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1), above, the owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.
- 8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B), above). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) The owner or operator is no longer required to submit the items specified in subsection (e)(3), above, when:
- An owner or operator substitutes alternate financial assurance as specified in this Section; or
 - The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h), below.
- 10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantor shall be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor shall meet the requirements for owners or operators in subsections (e)(1) through (e)(8), above, and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3), above. One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide that:
- If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a), above, in the name of the owner or operator.
 - The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
 - If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

alternate financial assurance in the name of the owner or operator.

- f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds, letters of credit and insurance. The mechanisms must be as specified in subsections (a) through (d), above, respectively, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

- g) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the EPA Identification Number, name, address and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

- h) Release of the owner or operator from the requirements of this Section. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency shall provide the owner or operator a detailed written statement of any such determination that closure has not been in accordance with the approved closure plan.

- i) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

- 1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit or insurance;
- 2) Requiring alternate assurance upon a finding that an owner or operator, or parent corporation, no longer meets a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

financial test.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART W: DRIP PADS

Section 725.543 Design and operating requirements

a) Drip pads must:

- 1) Not be constructed of earthen materials, wood or asphalt, unless the asphalt is structurally supported;
- 2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;
- 3) Have a curb or berm around the perimeter;
- 4) In addition, the drip pad must:
 - A) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator elects to comply with Section 725.542(a) instead of Section 725.542(b).

- B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for in subsection (b) below.

- 5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: In judging the structural integrity requirement of this subsection, the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 or ASTM C94, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) If an owner or operator elects to comply with subsection 725.542(b) instead of subsection 725.542(a), the drip pad must have:
- 1) A synthetic liner installed below the drip pad that is designed, constructed and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be:
 - A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from vehicular traffic on the drip pad);
 - B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
 - C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and
 - 2) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:
 - A) Constructed of materials that are:
 - i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and
 - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying materials and by any equipment used at the drip pad; and
 - B) Designed and operated to function without clogging

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- through the scheduled closure of the drip pad; and
- C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.
 - 3) A leakage collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.
 - A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as to allow weekly inspections of the entire drip pad surface without interference of hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log.
 - B) The Federal rules do not contain a 40 CFR 265.443(b)(3)(ii). This subsection is added to conform to Illinois Administrative Code requirements.
 - c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion or other deterioration that could cause hazardous waste to be released from the drip pad.
 - d) BOARD NOTE: See subsection (m) below for remedial action required if deterioration or leakage is detected.
 - e) The drip pad and associated collection system must be designed and operated to convey, drain and collect liquid resulting from dripage or precipitation in order to prevent run-off.
 - f) Unless the drip pad is protected by a structure, as described in Section 725.540(b), the owner or operator shall design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.
 - g) Unless the drip pad is protected by a structure or cover, as described in Section 725.540(b), the owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
 - h) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f), above. The owner or operator shall obtain a statement from an independent, qualified, registered professional engineer certifying that the drip pad design meets the requirements of this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- h) Driprage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.
- i) The drip pad surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator shall document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure.
- j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.
- k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until driprage has ceased. The owner or operator shall maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.
- l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.
- m) Throughout the active life of the drip pad, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:
- 1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator shall:
 - A) Enter a record of the discovery in the facility operating log;
 - B) Immediately remove from service the portion of the drip pad affected by the condition;
 - C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;
 - D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.
 - 2) The Agency shall: review the information submitted; make a determination regarding whether the pad must be removed from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- service completely or partially until repairs and clean up are complete; and notify the owner or operator of the determination and the underlying rationale in writing.
- 3) Upon completing all repairs and clean up, the owner or operator shall notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (m)(1)(D) above.
- n) The owner or operator shall maintain, as part of the facility operating log, documentation of past operation and waste handling practices. This must include identification of preservative formulations used in the past, a description of driprage management practices and a description of treated wood storage and handling practices.

(Source) Amended at Ill. Reg. _____, effective
APR 26 1994

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: LAND DISPOSAL RESTRICTIONS2) Code Citation: 35 Ill. Adm. Code 7283) Section Numbers: Adopted Action:

728.102, 728.107, 728.109
 Amendment
 728.135, 728.136, 728.137
 Amendment
 728.140, 728.141, 728.142
 Amendment
 728.145, 728.146, 728.150
 Amendment
 728.Tab. A, 728.Tab. B, 728.Tab. D
 Amendment
 728.Tab. F, 728.App. B
 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111k, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].5) Effective Date of Amendments: **APR 26 1994**6) Does this rulemaking contain an automatic repeal date?: No.7) Do these amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 generally contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is usually cross-referenced. The present amendments updated citations to the 1992 Code of Federal Regulations and to the issue of the Federal Register in which certain federal actions appeared. Those at Section 728.107 ("RCRA corrective action") are not incorporations of substantive materials by reference. That at Section 728.Appendix B (Board Note) is a formal incorporation by reference amended in the prior docket R93-4 that we correct in this rulemaking.

8) Date filed in Board's principal office: Order adopted March 17, 1994 and supplemental opinion and order adopted April 21, 1994.9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 388

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111k, par. 1013(c) [415 ILCS 5/13(c)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Communication from staff of JCAR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCAR, U = U.S. EPA, and B = Board):

Section/Location Source Change (Explanation)728. Table of Contents^B

Sections 728.141, 728.142 & 728.146 headings format changed;
 Sections 728.Appendix I and 728.Table H added to correspond to amendments in R92-10

728.102 "polychlorinated bi-phenyls"^B period added at end728.102 "RCRA corrective action"^B updated references to Code of Federal Regulations

728.102 "debris", 728.107(a), (a)(1)(A), (a)(1)(B), (a)(2)(A)(i), (a)(2)(A)(ii), (a)(3)(A), (a)(3)(B), (b)(4)(A), (b)(4)(B), (d)(1)(B) & (d)(1)(B); 728.109(a) & (d)(1)(B); 728.135(a)(1), (a)(2), (a)(3), (b), (c)(1)-(c)(4), (l) & (k); 728.136(a) through (e), (h) & (i); 728.140(a), (b) & (c); 728.141; 728.142(a), (a)(1) & (d); 728.145(a), (b), (c) & (d)(1); 728.150 & 728.Table F(a), (b), (c), A.i.c. & C.3.^B

728.107(a)(1)(B)

corrected misspelling of "subcategory"

728.107(a), (a)(1)(B), (a)(2)(A)(ii), (a)(3)(B), (a)(6)-(a)(10), (b), (b)(7), (c)(1) & (c)(4); 728.109(a) & (d)(1)(B); 728.135(k); 728.140(a); 728.142(a)(3), (b) & (d); 728.Table A (all generally); 728.Table B (all generally) & 728.Table D (all generally)^B

restored amendments made in R91-13 later omitted from text; conformed format of later-added amendments to R91-13-amended listings (such as using "NA", footnote format, etc.); correct errors in later-added listings (such as cross-references to other tables); corrected federal citations

728.135 heading^B

"Wastes" capitalized in heading

728.135(e)(5)(B)(i)^U

"slage" corrected to "slag"

728.150(f)^B

spelling of "storage" corrected

12)

Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, where JCAR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 and supplemental opinion and order of April 21, 1994 in R93-16, which documents available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action	Summary
58 Fed. Reg. 8658 (Feb. 16, 1993)	Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions
58 Fed. Reg. 14317 (Mar. 17, 1993)	Amendments to land disposal restrictions for Third Third wastes.
58 Fed. Reg. 26420 (May 3, 1993)	Technical amendments to the used and waste oil management standards
58 Fed. Reg. 28506 (May 14, 1993)	Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris
58 Fed. Reg. 29860 (May 24, 1993)	Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated
58 Fed. Reg. 33341 (June 17, 1993)	Corrections to used and waste oil management standards

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 728 derive from the federal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

corrective action management unit (CAMU)/temporary unit (TU) rules and the extension of a case-by-case capacity variance for hazardous debris. The amendments to Section 728.102 derive from the CAMU/TU rules. Involving the definition of "land disposal", those to Section 728.135(e) result from the federal extension of the capacity variance. The amendments to Section 728.109(a) restore certain language omitted from the amendments in the prior docket, R93-4. The Board further makes numerous corrective amendments throughout Part 728. These corrections are primarily the restoration of amendments made in 1992 in R91-13 that were omitted from the base text filed in R93-4. Headings for Sections 728.109(a) and 728.109(b) were added to the table of contents, and other omitted prior amendments were restored at Sections 728.107(a), (a)(1)(B), (a)(1)(D), (a)(2)(A)(ii), (a)(3)(B), (a)(5) through (a)(10), (b), (b)(7), (c)(1), (c)(4), 728.109(a), and (d)(1)(B), 728.135(k), 728.140(a), 728.142(a)(3), 728.142(c), 728.142(d), 728.142(e), 728.142(f), 728.142(g), 728.142(h), 728.142(i), 728.142(j), 728.142(k), 728.142(l), 728.142(m), 728.142(n), 728.142(o), 728.142(p), 728.142(q), 728.142(r), 728.142(s), 728.142(t), 728.142(u), 728.142(v), 728.142(w), 728.142(x), 728.142(y), 728.142(z), 728.142(aa), 728.142(ab), 728.142(ac), 728.142(ad), 728.142(ae), 728.142(af), 728.142(ag), 728.142(ah), 728.142(ai), 728.142(aj), 728.142(ak), 728.142(al), 728.142(am), 728.142(an), 728.142(ao), 728.142(ap), 728.142(aq), 728.142(ar), 728.142(as), 728.142(at), 728.142(au), 728.142(av), 728.142(aw), 728.142(ax), 728.142(ay), 728.142(az), 728.142(ba), 728.142(bb), 728.142(bc), 728.142(bd), 728.142(be), 728.142(bf), 728.142(bg), 728.142(bh), 728.142(bi), 728.142(bj), 728.142(bk), 728.142(bl), 728.142(bm), 728.142(bn), 728.142(bo), 728.142(bp), 728.142(bq), 728.142(br), 728.142(bs), 728.142(bt), 728.142(bu), 728.142(bv), 728.142(bw), 728.142(bx), 728.142(by), 728.142(bz), 728.142(ca), 728.142(cb), 728.142(cc), 728.142(cd), 728.142(ce), 728.142(cf), 728.142(cg), 728.142(ch), 728.142(ci), 728.142(cj), 728.142(ck), 728.142(cl), 728.142(cm), 728.142(cn), 728.142(co), 728.142(cp), 728.142(cq), 728.142(cr), 728.142(cs), 728.142(ct), 728.142(ct), 728.142(cu), 728.142(cv), 728.142(cw), 728.142(cx), 728.142(cy), 728.142(cz), 728.142(da), 728.142(db), 728.142(dc), 728.142(dd), 728.142(de), 728.142(df), 728.142(dg), 728.142(dh), 728.142(di), 728.142(dj), 728.142(dk), 728.142(dl), 728.142(dm), 728.142(dn), 728.142(do), 728.142(dp), 728.142(dq), 728.142(dr), 728.142(ds), 728.142(dt), 728.142(du), 728.142(dv), 728.142(dw), 728.142(dx), 728.142(dy), 728.142(dz), 728.142(ea), 728.142(eb), 728.142(ec), 728.142(ed), 728.142(ef), 728.142(eg), 728.142(eh), 728.142(ei), 728.142(ej), 728.142(ek), 728.142(el), 728.142(em), 728.142(en), 728.142(eo), 728.142(ep), 728.142(eq), 728.142(er), 728.142(es), 728.142(et), 728.142(eu), 728.142(ev), 728.142(ew), 728.142(ex), 728.142(ey), 728.142(ez), 728.142(fa), 728.142(fb), 728.142(fc), 728.142(fd), 728.142(fe), 728.142(ff), 728.142(fg), 728.142(fh), 728.142(fi), 728.142(fj), 728.142(fk), 728.142(fl), 728.142(fm), 728.142(fn), 728.142(fo), 728.142(fp), 728.142(fq), 728.142(fr), 728.142(fs), 728.142(ft), 728.142(fu), 728.142(fv), 728.142(fw), 728.142(fx), 728.142(fy), 728.142(fz), 728.142(ga), 728.142(gb), 728.142(gc), 728.142(gd), 728.142(ge), 728.142(gf), 728.142(gg), 728.142(gh), 728.142(gi), 728.142(gj), 728.142(gk), 728.142(gl), 728.142(gm), 728.142(gn), 728.142(go), 728.142(gp), 728.142(gq), 728.142(gr), 728.142(gs), 728.142(gt), 728.142(gu), 728.142(gv), 728.142(gw), 728.142(gx), 728.142(gy), 728.142(gz), 728.142(ha), 728.142(hb), 728.142(hc), 728.142(hd), 728.142(he), 728.142(hf), 728.142(hg), 728.142(hh), 728.142(hi), 728.142(hj), 728.142(hk), 728.142(hl), 728.142(hm), 728.142(hn), 728.142(ho), 728.142(hp), 728.142(hq), 728.142(hr), 728.142(hs), 728.142(ht), 728.142(hu), 728.142(hv), 728.142(hw), 728.142(hx), 728.142(hy), 728.142(hz), 728.142(ia), 728.142(ib), 728.142(ic), 728.142(id), 728.142(ie), 728.142(if), 728.142(ig), 728.142(ih), 728.142(ii), 728.142(ij), 728.142(ik), 728.142(il), 728.142(im), 728.142(in), 728.142(io), 728.142(ip), 728.142(iq), 728.142(ir), 728.142(is), 728.142(it), 728.142(iu), 728.142(iv), 728.142(iw), 728.142(ix), 728.142(iy), 728.142(iz), 728.142(ja), 728.142(jb), 728.142(jc), 728.142(jd), 728.142(je), 728.142(jf), 728.142(jg), 728.142(jh), 728.142(ji), 728.142(jj), 728.142(jk), 728.142(jl), 728.142(jm), 728.142(jn), 728.142(jo), 728.142(jp), 728.142(jq), 728.142(jr), 728.142(js), 728.142(jt), 728.142(ju), 728.142(jv), 728.142(jw), 728.142(jx), 728.142(jy), 728.142(jz), 728.142(ka), 728.142(kb), 728.142(kc), 728.142(kd), 728.142(ke), 728.142(kf), 728.142(kg), 728.142(kh), 728.142(ki), 728.142(kj), 728.142(kk), 728.142(kl), 728.142(km), 728.142(kn), 728.142(ko), 728.142(kp), 728.142(kq), 728.142(kr), 728.142(ks), 728.142(kt), 728.142(ku), 728.142(kv), 728.142(kw), 728.142(kx), 728.142(ky), 728.142(kz), 728.142(la), 728.142(lb), 728.142(lc), 728.142(ld), 728.142(le), 728.142(lf), 728.142(lg), 728.142(lh), 728.142(li), 728.142(lj), 728.142(lk), 728.142(lm), 728.142(ln), 728.142(lo), 728.142(lp), 728.142(lq), 728.142(lr), 728.142(ls), 728.142(lt), 728.142(lu), 728.142(lv), 728.142(lw), 728.142(lx), 728.142(ly), 728.142(lz), 728.142(ma), 728.142(mb), 728.142(mc), 728.142(md), 728.142(me), 728.142(mf), 728.142(mg), 728.142(mh), 728.142(mi), 728.142(mj), 728.142(mk), 728.142(ml), 728.142(mn), 728.142(mo), 728.142(mp), 728.142(mq), 728.142(mr), 728.142(ms), 728.142(mt), 728.142(mu), 728.142(mv), 728.142(mw), 728.142(mx), 728.142(my), 728.142(mz), 728.142(na), 728.142(nb), 728.142(nc), 728.142(nd), 728.142(ne), 728.142(nf), 728.142(ng), 728.142(nh), 728.142(ni), 728.142(nj), 728.142(nk), 728.142(nl), 728.142(nm), 728.142(nn), 728.142(no), 728.142(np), 728.142(nq), 728.142(nr), 728.142(ns), 728.142(nt), 728.142(nu), 728.142(nv), 728.142(nw), 728.142(nx), 728.142(ny), 728.142(nz), 728.142(oa), 728.142(ob), 728.142(oc), 728.142(od), 728.142(oe), 728.142(of), 728.142(og), 728.142(oh), 728.142(oi), 728.142(oj), 728.142(ok), 728.142(ol), 728.142(om), 728.142(on), 728.142(oo), 728.142(op), 728.142(oq), 728.142(or), 728.142(os), 728.142(ot), 728.142(ou), 728.142(ov), 728.142(ow), 728.142(ox), 728.142(oy), 728.142(oz), 728.142(pa), 728.142(pb), 728.142(pc), 728.142(pd), 728.142(pe), 728.142(pf), 728.142(pg), 728.142(ph), 728.142(pi), 728.142(pj), 728.142(pk), 728.142(pl), 728.142(pm), 728.142(pn), 728.142(po), 728.142(pp), 728.142(pq), 728.142(pr), 728.142(ps), 728.142(pt), 728.142(pu), 728.142(pv), 728.142(pw), 728.142(px), 728.142(py), 728.142(pz), 728.142(qa), 728.142(qb), 728.142(qc), 728.142(qd), 728.142(qe), 728.142(qf), 728.142(qg), 728.142(qh), 728.142(qi), 728.142(qj), 728.142(qk), 728.142(ql), 728.142(qm), 728.142(qn), 728.142(qo), 728.142(qp), 728.142(qq), 728.142(qr), 728.142(qs), 728.142(qt), 728.142(qu), 728.142(qv), 728.142(qw), 728.142(qx), 728.142(qy), 728.142(qz), 728.142(ra), 728.142(rb), 728.142(rc), 728.142(rd), 728.142(re), 728.142(rf), 728.142(rg), 728.142(rh), 728.142(ri), 728.142(rj), 728.142(rk), 728.142(rl), 728.142(rm), 728.142(rn), 728.142(ro), 728.142(rp), 728.142(rq), 728.142(rr), 728.142(rs), 728.142(rt), 728.142(ru), 728.142(rv), 728.142(rw), 728.142(rx), 728.142(ry), 728.142(rz), 728.142(sa), 728.142(sb), 728.142(sc), 728.142(sd), 728.142(se), 728.142(sf), 728.142(sg), 728.142(sh), 728.142(si), 728.142(sj), 728.142(sk), 728.142(sl), 728.142(sm), 728.142(sn), 728.142(so), 728.142(sp), 728.142(sq), 728.142(sr), 728.142(ss), 728.142(st), 728.142(su), 728.142(sv), 728.142(sw), 728.142(sx), 728.142(sy), 728.142(sz), 728.142(ta), 728.142(tb), 728.142(tc), 728.142(td), 728.142(te), 728.142(tf), 728.142(tg), 728.142(th), 728.142(ti), 728.142(tj), 728.142(tk), 728.142(tl), 728.142(tm), 728.142(tn), 728.142(to), 728.142(tp), 728.142(tq), 728.142(tr), 728.142(ts), 728.142(tu), 728.142(tv), 728.142(tw), 728.142(tx), 728.142(ty), 728.142(tz), 728.142(ua), 728.142(ub), 728.142(uc), 728.142(ud), 728.142(ue), 728.142(uf), 728.142(ug), 728.142(uh), 728.142(ui), 728.142(uj), 728.142(uk), 728.142(ul), 728.142(um), 728.142(un), 728.142(uo), 728.142(up), 728.142(uq), 728.142(ur), 728.142(us), 728.142(ut), 728.142(uv), 728.142(uw), 728.142(ux), 728.142(uy), 728.142(uz), 728.142(va), 728.142(vb), 728.142(vc), 728.142(vd), 728.142(ve), 728.142(vf), 728.142(vg), 728.142(vh), 728.142(vi), 728.142(vj), 728.142(vk), 728.142(vl), 728.142(vm), 728.142(vn), 728.142(vo), 728.142(vp), 728.142(vq), 728.142(vr), 728.142(vs), 728.142(vt), 728.142(vu), 728.142(vv), 728.142(vw), 728.142(vx), 728.142(vy), 728.142(vz), 728.142(wa), 728.142(wb), 728.142(wc), 728.142(wd), 728.142(we), 728.142(wf), 728.142(wg), 728.142(wh), 728.142(wi), 728.142(wj), 728.142(wk), 728.142(wl), 728.142(wm), 728.142(wn), 728.142(wo), 728.142(wp), 728.142(wq), 728.142(wr), 728.142(ws), 728.142(wt), 728.142(wu), 728.142(wv), 728.142(wx), 728.142(wy), 728.142(wz), 728.142(xa), 728.142(xb), 728.142(xc), 728.142(xd), 728.142(xe), 728.142(xf), 728.142(xg), 728.142(xh), 728.142(xi), 728.142(xj), 728.142(xk), 728.142(xl), 728.142(xm), 728.142(xn), 728.142(xo), 728.142(xp), 728.142(xq), 728.142(xr), 728.142(xs), 728.142(xt), 728.142(xu), 728.142(xv), 728.142(xw), 728.142(xx), 728.142(xy), 728.142(xz), 728.142(ya), 728.142(yb), 728.142(yc), 728.142(yd), 728.142(ye), 728.142(yf), 728.142(yg), 728.142(yh), 728.142(yi), 728.142(yj), 728.142(yk), 728.142(yl), 728.142(ym), 728.142(yn), 728.142(yo), 728.142(yp), 728.142(yq), 728.142(yr), 728.142(ys), 728.142(yt), 728.142(yu), 728.142(yv), 728.142(yw), 728.142(yx), 728.142(ys), 728.142(yt), 728.142(yu), 728.142(yv), 728.142(yw), 728.142(yx), 728.142(za), 728.142(zb), 728.142(zc), 728.142(zd), 728.142(ze), 728.142(zf), 728.142(zg), 728.142(zh), 728.142(zi), 728.142(zj), 728.142(zk), 728.142(zl), 728.142(zm), 728.142(zn), 728.142(zo), 728.142(zp), 728.142(zq), 728.142(zr), 728.142(zs), 728.142(zt), 728.142(zu), 728.142(zv), 728.142(zw), 728.142(zx), 728.142(zy), 728.142(zz).

16)

Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Waste Analysis and Recordkeeping
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	First Third
728.110	Second Third
728.111	Third Third
728.112	Newly Listed Wastes
728.113	Surface Impoundment exemptions
728.114	

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	Waste Specific Prohibitions -- Solvent Wastes
728.130	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.131	Waste Specific Prohibitions -- California List Wastes
728.132	Waste Specific Prohibitions -- First Third Wastes
728.133	Waste Specific Prohibitions -- Second Third Wastes
728.134	Waste Specific Prohibitions -- Third Third Wastes
728.135	Waste Specific Prohibitions -- Newly Listed Wastes
728.136	Waste Specific Prohibitions -- Ignitable and Corrosive
728.137	Characteristic Wastes Whose Treatment Standards Were Vacated
728.139	Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section	Applicability of Treatment Standards
728.140	Treatment Standards expressed as Concentrations in Waste Extract
728.141	Treatment Standards expressed as Specified Technologies
728.142	Treatment Standards expressed as Waste Concentrations
728.143	Adjustment of Treatment Standard
728.144	Treatment Standards for Hazardous Debris
728.145	Alternative Treatment Standards based on HTMR
728.146	

SUBPART E: PROHIBITIONS ON STORAGE

Section	Prohibitions on Storage of Restricted Wastes
728.150	

728. Appendix A	Toxicity Characteristic Leaching Procedure (TCLP)
-----------------	---

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

728. Appendix B	Treatment Standards (As concentrations in the Treatment Residual Extract)
728. Appendix C	List of Halogenated Organic Compounds
728. Appendix D	Organometallic Lab Packs
728. Appendix E	Organic Lab Packs
728. Appendix F	Technologies to Achieve Deactivation of Characteristics
728. Appendix G	Federal Effective Dates
728. Appendix H	National Capacity LDR Variances for UIC Wastes
728. Appendix I	EP Toxicity Test Method and Structural Integrity Test

728. Table A	Constituent Concentrations in Waste Extract (CCWE)
728. Table B	Constituent Concentrations in Wastes (CCW)
728. Table C	Technology Codes and Description of Technology-Based Standards
728. Table D	Technology-Based Standards by RCRA Waste Code
728. Table E	Standards for Radioactive Mixed Waste
728. Table F	Alternative Treatment Standards for Hazardous Debris
728. Table G	Alternative Treatment Standards Based on HMTR
728. Table H	Wastes Excluded from CCW Treatment Standards

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. , effective APR 26 1994.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.102 or 721.103.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a specific treatment standard is provided in 728. Subpart D; Process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which are listed under Section 728. Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721. Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D, or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C.

Inorganic Solid debris are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve, and that require cutting, or crushing and grinding, in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment.

Scrap metal as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1989-92), or similar regulations in other States with RCRA programs authorized by U.S. EPA pursuant to 40 CFR 271 (1989-92).

"Underlying hazardous constituent" means any regulated constituent present at levels above the F039 constituent-specific treatment standard at the point of generation of the hazardous waste.

"U.S. EPA" or "USEPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS), with the following exceptions:

F001, F002, F003, F004, F005 solvent-water mixtures that contain less than 1% by weight TOC or less than 1% by weight total F001, F002, F003, F004, F005 solvent constituents listed in Table A.

K011, K013, K014 wastewaters (as generated) that contain less than 5% by weight TOC and less than 1% by weight TSS.

K103 and K104 wastewaters that contain less than 4% by weight TOC and less than 1% by weight TSS.

(Source: Amended at 18 Ill. Reg. _____, effective _____) **APR 26 1994**

Section 728.107 Waste Analysis and Recordkeeping

- a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721. Subpart D, the generator shall test ~~its~~ waste, or test an extract using the test method described in 35 Ill. Adm. Code 721. Appendix B, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part. If the generator determines that ~~its~~ waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUS, or RORGS of Section 728. Table C of this Part), or the characteristic of corrosivity (D002), and is prohibited under Section 728.137, the generator ~~must~~ shall determine what underlying hazardous constituents (as defined in Section 728.102 of this Part), are reasonably expected to be present in the D001 or D002 waste.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

forth in Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D of this Part and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:

- A) U.S. EPA Hazardous Waste Number;
- B) The corresponding treatment standards for wastes F001- through F005, F039, wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents (as defined in Section 728.102 of this Part) in D001 and D002. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subcategory made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Section(s) and subsection(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.145, INCIN, WETOX) also must be listed on the notification.

- C) The manifest number associated with the shipment of waste; and

- D) ~~Waste analysis data, where available.~~ For hazardous debris, the contaminants subject to treatment as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145; and

- E) Waste analysis data, where available.

- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139. Generators of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(c), 35 Ill. Adm. Code 728.103(f)(2) and 35 Ill. Adm. Code 720.122 (i.e. debris that is delisted), however are not subject to these notification and certification requirements.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) The notice must include the following information:

- i) U.S. EPA Hazardous Waste Number;
- ii) The corresponding treatment standards for wastes F001- through F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or referenced as ~~above~~ below by including on the notification the ~~subcategory of the waste, the treatability group(s) of the waste, the applicable wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standard appears.~~ Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.145, INCIN, WETOX) also must be listed on the notification.

- iii) The manifest number associated with the shipment of waste;

- iv) Waste analysis data, where available

- B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.145, Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268. Subpart C (1989), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

- A) U.S. EPA hazardous waste number:
 - B) The corresponding treatment standards for wastes F001- through F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or be referenced as above, ~~or by including on the notification the subcategory of the waste, the treatment group of the waste, applicable wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears.~~ Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728. Table C (e.g., INCIN, WETOX) also must be listed on the notification.
 - C) The manifest number associated with the shipment of waste;
 - D) Waste analysis data, where available;
 - E) For hazardous debris, the contaminants subject to treatment as provided by Section 728.145(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145"; and
 - F) The date the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks, containers or containment buildings to meet applicable treatment standards under Subpart D of this Part, the generator shall develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:
- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Part, including the selected testing frequency.
 - B) Such plan must be filed with the Agency a minimum of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

30 days prior to the treatment activity, with delivery verified.

- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Section 728. Appendix A, the generator shall retain all waste analysis data on site in the generator's files.
- 6) If a generator determines, subsequent to the time of generation, that the generator is managing a restricted waste which is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 721.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.
- 67) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.
- 78) If a generator is managing a lab pack that contains wastes identified in Section 728. Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) above, and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in 35 Ill. Adm. Code 728. Appendix D or solid wastes not subject

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 82) If a generator is managing a lab pack that contains organic wastes specified in Section 728.142, I wish to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above. The generator also shall comply with the requirements in subsections (a)(5) and (a)(6) above, and shall submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.142. Appendix E or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- 910) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) above for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or the Agency notifies the generator documents need no be retained.

- b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3) below.

- 1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Section 728.142, Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

- 2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

treatment residues comply with the applicable prohibitions. For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 3) A notice must be sent with each waste shipment to the land disposal facility which includes the following information, except that debris excluded from the definition of the hazardous waste under Section 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728.139, and debris that is delisted) is subject to the notification and certification requirements of subsection (d) below rather than these notification requirements:

- A) U.S. EPA Hazardous Waste Number;
B) The corresponding treatment standards for wastes F001- through F005, F039, wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents (as defined in Section 728.102 of this Part), in D001 and D002 wastes if those wastes are prohibited under Section 728.137 of this Part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Section(s) and subsection(s) where the applicable treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.142, Table C (e.g., INCIN, WETOX) also must be listed on the notification.

- C) The manifest number associated with the shipment of waste; and
D) Waste analysis data, where available.
E) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under Section 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728.139, and debris that is delisted), however, is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of subsection (b)(5).

A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.141 and all applicable Code 728.143, or for wastes prohibited under Section 728.132 or 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4). Above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) above, and a notice which includes the information listed in subsection (b)(4) above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

1) Have copies of the notice and certification specified in subsection (a) or (b) above, and the certification specified in Section 728.108 if applicable.

2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (3) above with respect to such waste.

d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 728.103(f)(2) (i.e., debris treated by an extraction or destruction technology provided by Section 728.132(f), and debris that has been delisted) are subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:
 - A) The name and address of the RCRA Subtitle D facility receiving the treated debris;
 - B) A description of the hazardous debris as initially generated, including the applicable U.S. EPA Hazardous Waste Number; and
 - C) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the technology from Section 728.132(f), used to treat the debris.
- 2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded 35 Ill. Adm. Code 721.2(d)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
- 3) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728.132(f), as follows:
 - A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
 - B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each U.S. EPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of 35 Ill. Adm. Code 728.109, the waste will not carry the waste code designation for any applicable listing under 35 Ill. Adm. Code 721.2(d)(1) and waste codes designations under 35 Ill. Adm. Code 721.2(d)(2) where the waste exhibits the relevant characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.2(d)(1) operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.2(d)(2), as specified in subsection (b) below. If the generator determines that the waste displays the characteristic of Ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGS of Section 728.132(f)(2) or the characteristic of corrosivity (D002) and is prohibited under Section 728.137, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present in the D001 or D002 waste.

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.2(d)(1) and exhibits a characteristic under 35 Ill. Adm. Code 721.2(d)(2), the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.2(d)(1) will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.2(d)(2), provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.2(d)(1) shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one time notification and certification must be placed in the generators or treaters files and sent to the Agency.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The notification and certification that is placed in the generators or treaters' files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year but no later than December 31.

- 1) The notification must include the following information:

- A) The name and address of the non-hazardous waste facility receiving the waste shipment;
- B) A description of the waste as initially generated, including the applicable U.S. EPA Hazardous Waste Numbers and ~~treatability group(s)~~, the applicable wastewater or nonwastewater (as defined in Section 728.102) category, and the subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides);

- C) The treatment standards applicable to the waste at the initial point of generation.

- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.135 Waste Specific Prohibitions--Third Third Wastes-

- a) The following wastes are prohibited from land disposal.

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as U.S. EPA Hazardous Waste Numbers:

F002 (1,1,2-trichloroethane)
 F005 (benzene)
 F005 (2-ethoxyethanol)
 F005 (2-nitropropane)
 F006 (wastewaters),
 F019
 F025
 F039 (wastewaters);

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste Numbers:

K002
 K003
 K004 (wastewaters)
 K005 (wastewaters)
 K006

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- K008 (wastewaters)
 K011 (wastewaters)
 K013 (wastewaters)
 K014 (wastewaters)
 K015 (nonwastewaters)
 K017
 K021 (wastewaters)
 K022 (wastewaters)
 K025 (wastewaters)
 K026
 K029 (wastewaters)
 K031 (wastewaters)
 K032
 K033
 K034
 K035
 K041
 K042
 K046 (wastewaters, reactive nonwastewaters)
 K048 (wastewaters)
 K049 (wastewaters)
 K050 (wastewaters)
 K051 (wastewaters)
 K052 (wastewaters)
 K060 (wastewaters)
 K061 (wastewaters) and (high zinc subcategory > 15% zinc)
 K069 (wastewaters, calcium sulfate nonwastewaters)
 K073
 K083
 K084
 K085
 K095 (wastewaters)
 K096 (wastewaters)
 K097
 K098
 K100 (wastewaters)
 K101 (wastewaters)
 K102 (wastewaters)
 K105
 K106 (wastewaters)

- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as U.S. EPA Hazardous Waste Numbers:

P001
 P002
 P003
 P004
 P005
 P006
 P007
 P008
 P009
 P010 (wastewaters)
 P011 (wastewaters)
 P012 (wastewaters)
 P014

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P015
P016
P017
P018
P020
P022
P023
P024
P026
P027
P028
P031
P033
P034
P036 (wastewaters)
P037
P038 (wastewaters)
P042
P045
P046
P047
P048
P049
P050
P051
P054
P056
P057
P058
P059
P060
P064
P065
P066
P067
P068
P069
P070
P072
P073
P075
P076
P077
P078
P081
P082
P084
P088
P092
P093
P095
P096
P101
P102
P103
P105
P108
P110

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P112
P113
P114
P115
P116
P118
P119
P120
P122
P123

- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as U.S. EPA Hazardous Waste Numbers:

U001
U002
U003
U004
U005
U006
U007
U008
U009
U010
U011
U012
U014
U015
U016
U017
U018
U019
U020
U021
U022
U023
U024
U025
U026
U027
U029
U030
U031
U032
U033
U034
U035
U036
U037
U038
U039
U041
U042
U043
U044
U045
U046
U047

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U048
U049
U050
U051
U052
U053
U055
U056
U057
U059
U060
U061
U062
U063
U064
U066
U067
U068
U070
U071
U072
U073
U074
U075
U076
U077
U078
U079
U080
U081
U082
U083
U084
U085
U086
U089
U090
U091
U092
U093
U094
U095
U096
U097
U098
U099
U101
U103
U105
U106
U108
U109
U110
U111
U112
U113
U114
U115

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U116
U117
U118
U119
U120
U121
U122
U123
U124
U125
U126
U127
U128
U129
U130
U131
U132
U133
U134
U135
U136 (wastewaters)
U137
U138
U140
U141
U142
U143
U144
U145
U146
U147
U148
U149
U150
U151 (wastewaters)
U152
U153
U154
U155
U156
U157
U158
U159
U160
U161
U162
U163
U164
U165
U166
U167
U168
U169
U170
U171
U172
U173
U174

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U176
U177
U178
U179
U180
U181
U182
U183
U184
U185
U186
U187
U188
U189
U191
U192
U193
U194
U196
U197
U200
U201
U202
U203
U204
U205
U206
U207
U208
U209
U210
U211
U213
U214
U215
U216
U217
U218
U219
U220
U222
U225
U226
U227
U228
U234
U236
U237
U238
U239
U240
U243
U244
U246
U247
U248
U249

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

45) The following wastes identified as hazardous based on a characteristic alone:

D001
D002
D003
D004 (wastewaters)
D005
D006
D007
D008 (except for lead materials stored before secondary smelting)
D009 (wastewaters)
D010
D011
D012
D013
D014
D015
D016
D017

b) The following wastes are prohibited from land disposal. The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste Numbers:

K048 (nonwastewaters)
K049 (nonwastewaters)
K050 (nonwastewaters)
K051 (nonwastewaters)
K052 (nonwastewaters)

c) ~~Effective May 87-1992,~~ The following wastes are prohibited from land disposal:

1) The wastes specified in 35 Ill. Adm. Code 721.131 as U.S. EPA Hazardous Waste Numbers:

F039 (nonwastewaters)

2) The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste Numbers:

K031 (nonwastewaters)
K084 (nonwastewaters)
K101 (nonwastewaters)
K102 (nonwastewaters)
K106 (nonwastewaters)

3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as U.S. EPA Hazardous Waste Numbers:

P010 (nonwastewaters)
P011 (nonwastewaters)
P012 (nonwastewaters)
P036 (nonwastewaters)
P038 (nonwastewaters)
P065 (nonwastewaters)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P087 (nonwastewaters)
P092 (nonwastewaters)

- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as U.S. EPA Hazardous Waste Numbers:

U136 (nonwastewaters)
U151 (nonwastewaters)

- 5) The following wastes identified as hazardous based on a characteristic alone:

D004 (nonwastewaters)
D009 (nonwastewaters);

- 6) RCRA hazardous wastes that contain naturally occurring radioactive materials.

d) ~~Effective May 8, 1992, hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, are prohibited from land disposal, except as provided in subsection (e) below.~~

e) Subject to the applicable prohibitions of Sections 728.130, 728.131, and 728.132, contaminated soil and debris are prohibited from land disposal as follows:

- 1) Effective May 8, 1994, debris that is contaminated with wastes listed in Sections ~~728.110, 728.111 or 728.112~~ ~~(including such wastes that are mixed radioactive and hazardous wastes)~~, and debris that is contaminated with any characteristic waste for which treatment standards are established in Subpart D of this Part ~~(including such wastes that are mixed radioactive hazardous wastes)~~, are prohibited from land disposal.

- 2) Effective May 8, 1994, mixed radioactive hazardous debris that is contaminated with hazardous wastes listed in Section 728.112 and mixed radioactive hazardous debris that is contaminated with any characteristic waste for which treatment standards are established in Subpart D of this Part are prohibited from land disposal.

- 3) Subsections (e)(1) and (e)(2) of this Section shall not apply where the generator has failed to make good-faith effort to locate treatment capacity suitable for its waste, has not utilized such capacity as it has found to be available, or has failed to file a report as required by Section 728.105(g) by August 12, 1993 or within 90 days after the waste is generated (whichever is later) describing the generator's efforts to locate treatment capacity. Where subsections (e)(1) and (e)(2) of this Section do not apply, all wastes described in those two subsections are prohibited from land disposal.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: This subsection is derived from 40 CFR 268.35(e)(3), as added at 58 Fed. Reg. 28510 (May 14, 1993). This was a HSWA-derived amendment that went into effect as federal law in Illinois, effective May 8, 1993. The August 12, 1993 report was due on that date as a matter of federal law.

- 24) ~~Effective May 8, 1993, hazardous soil having treatment standards in 728. Subpart D based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in Sections 728.110, 728.111 and 728.112 that are mixed radioactive hazardous wastes, are prohibited from land disposal.~~

- 5) When used in subsections (e)(1) and (e)(2) of this Section, debris is defined as follows:

- A) Debris as defined in Section 728.102(g); or
B) Nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve that require cutting or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:
i) Metal slag (either dross or scoria);
ii) Classified slag;
iii) Glass;
iv) Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes);
v) Masonry and refractory bricks;
vi) Metal cans, containers, drums, or tanks;
vii) Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment; or
viii) Scrap metal as defined in 35 Ill. Adm. Code 721.101(c)(6).

- f) This subsection corresponds with 40 CFR 268.35(f), which pertains to an exemption from a land disposal prohibition up until a date long since expired. This statement maintains structural consistency with USEPA rules.

- g) This subsection corresponds with 40 CFR 268.35(g), which pertains to an exemption from a land disposal prohibition up until a date long since expired. This statement maintains structural consistency with USEPA rules.

- h) Between May 8, 1990, and May 8, 1993, wastes included in subsections (e), (d), and (e), above, shall be disposed of in a landfill or surface impoundment only if each unit is in compliance with the requirements specified in Section 728.105(h)(2). This

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subsection corresponds with 40 CFR 268.35(b), which pertains to landfill and surface impoundment disposal of the wastes listed in subsections (c), (d) and (e) above up until a date long since expired. This statement maintains structural consistency with USEPA rules.

i) The requirements of subsections (a), (b), (c), (d) and (e) above, do not apply if:

- 1) The wastes meet the applicable standards specified in Subpart D of this Part;
- 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
- 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;
- 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

j) To determine whether a hazardous waste listed in Section 728.110, 728.111 or 728.112 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D of this Part levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

k) Effective May 8, 1993, D008 lead materials stored before secondary smelting are prohibited from land disposal. On or before March 1, 1993, the owner or operator of each secondary lead smelting facility shall have submitted the following to the Agency: the following: A binding contractual commitment to construct or otherwise provide capacity for storing such D008 wastes prior to smelting which complies with all applicable storage standards; documentation that the capacity to be provided will be sufficient to manage the entire quantity of such D008 wastes; and, a detailed schedule for providing such capacity. Failure by a facility to have submitted such documentation will render such D008 managed by that facility prohibited from land disposal effective March 1, 1993. In addition, no later than July 27, 1992, the owner or operator of each facility shall place in the facility record documentation of the manner and location in which such wastes will be managed pending completion of such capacity, demonstrating that such management capacity will be adequate and complies with all applicable requirements of 35 Ill. Adm. Code 720 through 728.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)
Section 728.136 Waste Specific Prohibitions -- Newly Listed Wastes--

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Effective November 9, 1993, the wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste Numbers K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, and K136; and the wastes specified in 35 Ill. Adm. Code 721.133(f) as U.S. EPA Hazardous Waste numbers U328, U353, and U359 are prohibited from land disposal.

b) Effective June 30, 1994, the wastes specified in 35 Ill. Adm. Code 721.131 as U.S. EPA Hazardous Waste Numbers F037 and F038 that are not generated from surface impoundment cleanouts or closures are prohibited from land disposal.

c) Effective June 30, 1994, the wastes specified in 35 Ill. Adm. Code 721.131 as U.S. EPA Hazardous Waste Numbers F037 and F038 that are generated from surface impoundment cleanouts or closures are prohibited from land disposal.

d) Effective June 30, 1994, radioactive wastes that are mixed with hazardous wastes specified in 35 Ill. Adm. Code 721.131 as U.S. EPA Hazardous Waste Numbers F037 and F038; the wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste Numbers K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, and K136; or the wastes specified in 35 Ill. Adm. Code 721.133(f) as U.S. EPA Hazardous Waste Numbers U328, U353, and U359 are prohibited from land disposal.

e) Effective June 30, 1994, debris contaminated with hazardous wastes specified in 35 Ill. Adm. Code 721.131 as U.S. EPA Hazardous Waste Numbers F037 and F038; the wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste Numbers K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, and K136; or the wastes specified in 35 Ill. Adm. Code 721.133(f) as U.S. EPA Hazardous Waste Numbers U328, U353, and U359; and which is not contaminated with any other waste already subject to a prohibition are prohibited from land disposal.

f) Between June 30, 1992 and June 30, 1993, the wastes included in subsection (b) of this Section may be disposed of in a landfill only if such unit is in compliance with the requirements specified in subsection 728.105(h)(2), and may be generated in and disposed of in a surface impoundment only if such unit is in compliance with either subsection 728.105(h)(2) or Section 728.114. This subsection corresponds with 40 CFR 268.36(f), which pertains to landfill disposal of the wastes listed in subsection (b) above up until a date long since expired. This statement maintains structural consistency with USEPA rules.

g) Between June 30, 1992 and June 30, 1994, the wastes included in subsections (d) and (e) of this Section may be disposed of in a landfill only if such unit is in compliance with the requirements specified in subsection 728.105(h)(2), and may be generated in and disposed of in a surface impoundment only if such unit is in compliance with either subsection 728.105(h)(2) or Section 728.114.

h) The requirements of subsections (a), (b), (c), (d), and (e) above do not apply if:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low zinc nonwastewater K061 are subject to the treatment standard for high zinc K061.

- c) The treatment standards for the constituents in F001- through F005 which are listed in ~~Part~~Section 728. Table A only apply to wastes which contain one, two, or all three of these constituents. If the waste contains any of these three constituents along with any of the other 26 constituents found in F001- through F005, then only the treatments standards in Section 728.143- Table A are required.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728.142 Treatment standards expressed as Specified Technologies

- a) The following wastes in subsections (a)(1) and (2) below and Sections 728. Table D and 728. Table E must be treated using the technology or technologies specified in subsections (a)(1) and (2) and Section 728. Table C.

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60.

Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O. These treatment standards do not apply where the waste is subject to a Subpart C of this Part treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process, and that meet the criteria of the D001 ignitable liquids containing greater than 10% total organic constituents (TOC) subcategory, is subject to the DEACT treatment standard described in Table C. For purposes of this subsection, "de minimis losses" include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials);

B) Minor leaks from process equipment, storage tanks, or containers;

C) Leaks from well-maintained pump packings and seals;

D) Sample purgings; and

E) Relief device discharges.

b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a) above, and (c) and (d) below for wastes or specified in of Section 728. Table F for hazardous debris. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111, pars. 1022.6 and 1039(h) [415 ILCS 5/22.6 and 5/39(h)]), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a) above, and (c) and (d) below and in Section 728. Table F, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

c) As an alternative to the otherwise applicable treatment standards of Subpart D of this Part ~~treatment standards~~, lab packs are eligible for land disposal provided the following requirements are met:

1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

2) All hazardous wastes contained in such lab packs are specified in Section 728. Appendix D or Section 728. Appendix E;

3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O; and

4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011 are treated in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

compliance with the applicable treatment standards specified for such wastes in Subpart D.

- d) Radioactive hazardous mixed wastes with treatment standards specified in Section 728.143 are not subject to any treatment standards specified in Section 728.141, Section 728.143 or Section 728.144. Radioactive hazardous mixed wastes not subject to treatment standards in Section 728.143 remain subject to all applicable treatment standards specified in Section 728.141, Section 728.143 and Section 728.144. Hazardous debris containing radioactive waste is not subject to the treatment standards specified in Section 728.143 but is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728.145 Treatment Standards for Hazardous Debris

- a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows unless the Board has determined under 35 Ill. Adm. Code 721.103(d)(2) that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart for the waste contaminating the debris:
- 1) General. Hazardous debris must be treated for each "contaminant subject to treatment" defined by subsection (b) of this Section using the technology or technologies identified in Section 728.143.
 - 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, and 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Section 728.143.
 - 3) Mixtures of debris types. The treatment standards of Section 728.143 must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of this Section must be treated for each contaminant using one or more treatment technologies identified in Section 728.143. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
 - b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment". The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

contaminants subject to treatment must be determined as follows:

- 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.
- 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents for which BPAR standards are established for the waste under Sections 728.141 and 728.143.
- 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.
- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Section 728.143 and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721.103(d)(2) after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Section 728.143 is a hazardous waste and must be managed in a subtitle C facility.

d) Treatment residuals

- 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) below:
 - A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
 - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by 429-Subpart D of this Part for the waste contaminating the debris.
- 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) above, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of Subpart D of this Part.
- 3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for D003 under Section 728.143.
- 4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10% total organic carbon is subject to the technology-based standards for D001: "Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)" under Section 728.142.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728.146 Alternative Treatment Standards Based on HTRM

Section 728.146 identifies alternative treatment standards for F006 and K062 nonwastewaters.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C of this Part is prohibited, unless the following conditions are met:

- 1) A generator stores such wastes in tanks, containers or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator who is in existence on the effective date of a regulation under this Part and who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

- 2) An owner or operator of a hazardous waste treatment, storage or disposal facility stores such wastes in tanks, containers or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and;

- A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;
- B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.
- 3) A transporter stores manifested shipments of such wastes at

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a transfer facility for 10 days or less

- b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
- c) An owner or operator of a treatment, storage or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

- d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in Section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 268, Subpart C, the prohibition in subsection (a) does not apply during the period of such exemption.

- e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) above do not apply to such PCB wastes prohibited under Section 728.132.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728.150 Constituent Concentrations in Waste Extract (COWE)

D, F and K Listed Wastes

Waste See Code Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Nonwastewaters
D004	Table B Arsenic	7440-38-2	NA 5.0 #A
D005	Table B Barium	7440-39-3	NA 100.
D006	Table B Cadmium	7440-43-9	NA 1.0
D007	Table B Chromium (Total)	7440-47-32	NA 5.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D008	Table B Lead	7439-92-1	NA	5.0_#A
D009	(Low Mercury Subcategory--less than 260 mg/kg Mercury) Tables Mercury B & D	7439-97-6	NA	0.20
D010	Table B Selenium	7782-49-2	NA	5.7
D011	Table B Silver	7440-22-4	NA	5.0
F001-F005 spent solvents Table B Carbon disulfide Cyclohexanone Methanol	75-15-0 108-94-1 67-56-1	1-05NA 0-125NA 0-25NA	4.8 0.75 0.75	
F006	Table B Cadmium Chromium (Total) Lead Nickel Silver	7440-43-9 7440-47-32 7439-92-1 7440-02-0 7440-22-4	NA NA NA NA NA	0.066 5.2 0.51 0.32 0.072
F007	Table B Cadmium Chromium (Total) Lead Nickel Silver	7440-43-9 7440-47-32 7439-92-1 7440-02-0 7440-22-4	NA NA NA NA NA	0.066 5.2 0.51 0.32 0.072
F008	Table B Cadmium Chromium (Total) Lead Nickel Silver	7440-43-9 7440-47-32 7439-92-1 7440-02-0 7440-22-4	NA NA NA NA NA	0.066 5.2 0.51 0.32 0.072
F009	Table B Cadmium Chromium (Total) Lead Nickel Silver	7440-43-9 7440-47-32 7439-92-1 7440-02-0 7440-22-4	NA NA NA NA NA	0.066 5.2 0.51 0.32 0.072
F011	Table B Cadmium Chromium (Total) Lead Nickel Silver	7440-43-9 7440-47-32 7439-92-1 7440-02-0 7440-22-4	NA NA NA NA NA	0.066 5.2 0.51 0.32 0.072
F012	Table B Cadmium Chromium (Total) Lead Nickel Silver	7440-43-9 7440-47-32 7439-92-1 7440-02-0 7440-22-4	NA NA NA NA NA	0.066 5.2 0.51 0.32 0.072
F019	Table B Chromium (Total)	7440-47-32	NA	0.0725.2
F020-F023 and F026-F028 dioxin-containing wastes *	HxCDD-All Hexachlorodi- benzo-p-dioxins HxCDF-All Hexachlorodi- benzofurans	<1. ppb <1. ppb	<1. ppb <1. ppb	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

F024	Table B Chromium (Total) Lead Nickel	7440-47-32 7439-92-1 7440-02-0	NA NA NA	0.073 Reserved 0.088
F037	Table B Chromium (Total) Nickel	7440-47-32 7440-02-0	NA NA	1.7 0.20
F038	Table B Chromium (Total) Nickel	7440-47-32 7440-02-0	NA NA	1.7 0.20
F039	(and D001 and D002 wastes prohibited under Section 728.137 Tables Antimony B & D	7440-36-0	NA	0.23
	Arsenic Barium Cadmium Chromium (Total) Lead Mercury Nickel Selenium Silver	7440-38-2 7440-39-3 7440-43-9 7440-47-32 7439-92-1 7439-97-6 7440-02-0 7782-49-2 7440-22-4	NA NA NA NA NA NA NA NA NA	5.0 52. 0.066 5.2 0.51 0.025 0.32 5.7 0.072
K001	Table B Lead	7439-92-1	NA	0.51
K002	Table B Chromium (Total) Lead	7440-47-32 7439-92-1	NA NA	0.094 0.37
K003	Table B Chromium (Total) Lead	7440-47-32 7439-92-1	NA NA	0.094 0.37
K004	Table B Chromium (Total) Lead	7440-47-32 7439-92-1	NA NA	0.094 0.37
K005	Table B Chromium (Total) Lead	7440-47-32 7439-92-1	NA NA	0.094 0.37
K006	(anhydrous) Table B Chromium (Total) Lead	7440-47-32 7439-92-1	NA NA	0.094 0.37
K006	(hydrated) Table B Chromium (Total)	7440-47-32	NA	5.2
K007	Table B Chromium (Total)	7440-47-32	NA	0.094

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

K008	Table B Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Table B Lead	7439-92-1	NA	0.37
K015	Table B Chromium (Total)	7440-47-32	NA	1.7
	Table B Lead	7439-92-1	NA	0.2
	Table B Nickel	7440-02-0	NA	0.2
K021	Table B Antimony	7440-36-0	NA	0.23 #A
K022	Table B Chromium (Total)	7440-47-32	NA	5.2
	Table B Nickel	7440-02-0	NA	0.32
K028	Table B Chromium (Total)	7440-47-32	NA	0.073
	Table B Lead	7439-92-1	NA	0.021
	Table B Nickel	7440-02-0	NA	0.088
K031	Table B Arsenic	7440-38-2	NA	5.6 #A
K046	Table B Lead	7439-92-1	NA	0.18
K048	Table B Chromium (Total)	7440-47-32	NA	1.7
	Table B Nickel	7440-02-0	NA	0.20
K049	Table B Chromium (Total)	7440-47-32	NA	1.7
	Table B Nickel	7440-02-0	NA	0.20
K050	Table B Chromium (Total)	7440-47-32	NA	1.7
	Table B Nickel	7440-02-0	NA	0.20
K051	Table B Chromium (Total)	7440-47-32	NA	1.7
	Table B Nickel	7440-02-0	NA	0.20
K052	Table B Chromium (Total)	7440-47-32	NA	1.7
	Table B Nickel	7440-02-0	NA	0.20
K061	Table B Antimony	7440-36-0	NA	2.1
	Table B Arsenic	7440-38-2	NA	0.055
	Table B Barium	7440-39-3	NA	7.6
	Table B Beryllium	7440-41-7	NA	0.014
	Table B Cadmium	7440-43-9	NA	0.19
	Table B Chromium (Total)	7440-47-32	NA	0.33
	Table B Lead	7439-92-1	NA	0.37
	Table B Mercury	7439-97-6	NA	0.009
	Table B Nickel	7440-02-0	NA	5.
	Table B Selenium	7782-49-2	NA	0.16
	Table B Silver	7440-22-4	NA	0.3
	Table B Thallium	7440-66-6	NA	0.078
	Table B Zinc	7440-66-6	NA	5.3
K062	Table B Chromium (Total)	7440-47-32	NA	0.094
	Table B Lead	7439-92-1	NA	0.37
K069	(Calcium Sulfate Subcategory) Tables B & D	7440-43-9	NA	0.14
	Table B Cadmium	7439-92-1	NA	0.24
	Table B Lead	7439-92-1	NA	0.24

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

K071	(Low Mercury Subcategory--less than 16 mg/kg Mercury) Table B Mercury	7439-97-6	NA	0.025
K083	Table B Nickel	7440-02-0	NA	0.088
K084	Table B Arsenic	7440-38-2	NA	5.6 #A
K086	Table B Chromium (Total)	7440-47-32	NA	0.094
	Table B Lead	7439-92-1	NA	0.37
K087	Table B Lead	7439-92-1	NA	0.51
K100	Table B Cadmium	7440-43-9	NA	0.066
	Table B Chromium (Total)	7440-47-32	NA	5.2
	Table B Lead	7439-92-1	NA	0.51
K101	Table B Arsenic	7440-38-2	NA	5.6 #A
K102	Table B Arsenic	7440-38-2	NA	5.6 #A
K106	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC) Tables B & D	7439-97-6	NA	0.020
K106	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC) Tables B & D	7439-97-6	NA	0.02025
K115	Table B Nickel	7440-02-0	NA	0.32
*--These treatment standards have been based on EPA leachate analysis but this does not preclude the use of TOCP analyzer.				
*--These waste codes are not subcategorized into wastewaters and nonwastewaters.				
NA--Not Applicable.				
P and U Listed Wastes				
	Commercial Chemical Name	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Nonwaste-Waters
Waste See Code Also				
P010	Table B Arsenic acid	Arsenic	7440-38-2	NA
P011	Table B Arsenic pentoxide	Arsenic	7440-38-2	NA
P012	Table B Arsenic tri-oxide	Arsenic	7440-38-2	NA
P013	Table B Barium cyanide	Barium	7440-39-3	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P036	Table B Dichloro-phenylarsine	Arsenic	7440-38-2	NA	5.6.#A
P038	Table B Diethyl-arsine	Arsenic	7440-38-2	NA	5.6.#A
P065	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)	Mercury	7439-97-6	NA	0.20
P065	(Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))	Mercury	7439-97-6	NA	0.025
P073	Table B Nickel carbonyl	Nickel	7440-02-20	NA	0.32
P074	Table B Nickel cyanide	Nickel	7440-02-20	NA	0.32
P092	(Low Mercury Subcategory -- less than 260 mg/kg Mercury residues from RMERC)	Mercury	7439-97-6	NA	0.20
P092	(Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))	Mercury	7439-97-6	NA	0.025
P099	Table B Potassium silver cyanide	Silver	7440-22-4	NA	0.072
P103	Table B Selenourea	Selenium	7782-49-2	NA	5.7
P104	Table B Silver cyanide	Silver	7440-22-4	NA	0.072
P110	Table B Tetraethyl lead	Lead	7439-92-1	NA	0.51
P114	Table B Thallium selenite	Selenium	7782-49-2	NA	5.7
U032	Table B Calcium chromate	Chromium (Total)	7440-47-32	NA	0.094
U051	Table B Creosote	Lead	7439-92-1	NA	0.51
U136	Table B Cacodylic acid	Arsenic	7440-38-2	NA	5.6
U144	Table B Lead acetate	Lead	7439-92-1	NA	0.51

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U145	Table B Lead phosphate	Lead	7439-92-1	NA	0.51
U146	Table B Lead sub-acetate	Lead	7439-92-1	NA	0.51
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)	Mercury	7439-97-6	NA	0.20
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)	Mercury	7439-97-6	NA	0.025
U204	Table B Selenium dioxide	Selenium	7782-49-2	NA	5.7
U205	Table B Selenium sulfide	Selenium	7782-49-2	NA	5.7
<p>#A--These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.</p> <p>*B--These waste codes are not subcategorized into wastewaters and nonwastewaters.</p> <p>NA--Not Applicable.</p> <p>(Source: Amended at 18 Ill. Reg. _____, effective _____)</p>					
APR 26 1994					
Section 728. Table B Constituent Concentrations in Wastes (CCW)					
D, F and K Listed Wastes					
Waste Code	See Also	Regulated Constituent	Hazardous Constituent	Concentration (mg/L) Nonwaste- waters	Concentration (mg/L) Wastes
D003	Reactive cyanides subcategory--based on Cyanides (Amenable)--35 Ill. Adm. Code 721.123(a)(5)	Cyanides (Total)	57-12-5	Res. # 590.C	
	NA	Cyanides (Amenable)	57-12-5	0.86	30.
D004	Table A Arsenic		7440-38-2	5.0	NA
D005	Table A Barium		7440-39-3	100.	NA
D006	Table A Cadmium		7440-43-9	1.0	NA
D007	Table A Chromium (Total)		7440-47-32	5.0	NA
D008	Table A Lead		7439-92-1	5.0	NA
D009	Table A Mercury		7439-97-6	0.20	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D010	Table A	Selenium	7782-49-2	1.0	NA	F008	Table A	Cyanides (Total) Cyanides (Amenable) Chromium Lead Nickel	57-12-5 57-12-5 7440-47-32 7439-92-1 7440-02-20	1.9 0.13 0.32 0.04 0.44	590. 30. NA NA NA
D011	Table A	Silver	7440-22-4	5.0	NA						
D012	Table D	Endrin	720-20-8	NA	0.13 A						
D013	Table D	Lindane	58-89-9	NA	0.066 A	F009	Table A	Cyanides (Total) Cyanides (Amenable) Chromium Lead Nickel	57-12-5 57-12-5 7440-47-32 7439-92-1 7440-02-20	1.95 0.1 0.32 0.04 0.44	590. 30. NA NA NA
D014	Table D	Methoxychlor	72-43-5	NA	0.18 A						
D015	Table D	Toxaphene	8001-35-1	NA	1.3 A						
D016	Table D	2,4-D	94-75-7	NA	10.0 A	F010	NA	Cyanides (Total) Cyanides (Amenable)	57-12-5 57-12-5	1.9 0.1	1.5 NA
D017	Table D	2,4,5-TP Silvex	93-76-5	NA	7.9 A	F011	Table A	Cyanides (Total) Cyanides (Amenable) Chromium (Total) Lead Nickel	57-12-5 57-12-5 7440-47-32 7439-92-1 7440-02-20	1.9 0.1 0.32 0.04 0.44	110. 9.1 NA NA NA
F001-F005 spent solvents											
		Acetone	67-64-1	0.28	160.						
		Benzene	71-43-2	0.070	a-3.7 A						
		n-Butyl alcohol	71-36-3	5.6	2.6 A						
		Carbon tetrachloride	56-23-5	0.057	5.6						
		Chlorobenzene	108-90-7	0.057	5.7						
		Cresol (m- and p-isomers)		0.77	3.2						
		o-cresol		0.11	5.6						
		o-Dichlorobenzene	95-50-1	0.088	6.2						
		Ethyl acetate	141-7-6	0.34	33.						
		Ethyl benzene	100-41-4	0.057	6.0						
		Ethyl ether	60-29-7	0.12	160.						
		Isobutyl alcohol	78-83-1	5.6	170.						
		Methylene chloride	75-9-2	0.089	33.						
		Methyl ethyl ketone	78-93-3	0.28	36.						
		Methyl isobutyl ketone	108-10-1	0.14	33.						
		Nitrobenzene	98-95-3	0.068	14.						
		Pyridine	110-86-1	0.014	16.						
		Tetrachloroethylene	127-18-4	0.056	5.6						
		Toluene	108-88-3	0.08	28.						
		1,1,1-Trichloroethane	71-55-6	0.054	5.6						
		1,1,2-Trichloroethane	79-00-5	0.030	a.6 A						
		Trichloroethylene	79-01-6	0.054	5.6						
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	28.						
		Trichloro-mono-fluorome-thane	75-69-4	0.02	33.						
		Xylenes (total)		0.32	28.						
F006	Table A	Cyanides (Total) Cyanides (Amenable) Cadmium Chromium Lead Nickel	57-12-5 57-12-5 7440-43-9 7440-47-32 7439-92-1 7440-02-20	1.2 0.86 1.6 0.32 0.040 0.44	590. 30. NA NA NA NA	F025	(Light ends subcategory) NA	Chloroform 1,2-Dichloroethane 1,1-Dichloroethylene Methylene chloride Carbon tetrachloride 1,1,2-Trichloroethane Vinyl chloride	67-636-3 107-06-2 75-35-4 75-9-2 56-23-5 79-00-5 79-01-6 75-01-4	a-0.046 B a-0.21 B a-0.025 B a-0.089 B a-0.057 B a-0.054 B a-0.054 B a-0.27 B	a-6.2 A a-6.2 A a-6.2 A a-31. A a-6.2 A a-6.2 A a-5.6 A a-33. A
F007	Table A	Cyanides (Total) Cyanides (Amenable) Chromium (Total) Lead Nickel	57-12-5 57-12-5 7440-47-32 7439-92-1 7440-02-20	1.9 0.1 0.32 0.04 0.44	590. 30. NA NA NA	F025	(Spent filters, or aids and desiccants subcategory) NA	Chloroform Methylene chloride	67-66-3 75-9-2	a-0.046 B a-0.089 B	a-6.2 A a-31. A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbon tetrachloride 56-23-5 e-0.057 B
 1,1,2-Trichloroethane 79-00-5 e-0.054 B
 Trichloroethylene 79-01-6 e-0.054 B
 Vinyl chloride 75-01-4 e-0.27 B
 Hexachlorobenzene 118-74-1e-0.055 B
 Hexachlorobutadiene 87-68-3 e-0.055 B
 Hexachloroethane 67-72-1 e-0.055 B

F037 Table A

Acenaphthene 208-96-8e-0.059 B
 Anthracene 120-12-7e-0.059 B
 Benzene 71-43-2 e-0.14 B
 Benzo(a)anthracene 50-32-8 e-0.059 B
 Benzo(a)pyrene 117-81-7e-0.061 B
 Bis(2-ethylhexyl) phthalate 75-15-0 e-0.28 B
 Chrysene 218-01-9e-0.059 B
 Di-n-butyl phthalate 105-67-9e-0.057 B
 Ethylbenzene 100-41-4e-0.057 B
 Fluorene 86-73-7 e-0.059 B
 Naphthalene 91-20-3 e-0.059 B
 Phenanthrene 85-01-8 e-0.059 B
 Phenol 108-95-2e-0.039 B
 Pyrene 129-00-0e-0.067 B
 Toluene 108-88-3 e-0.08 B
 Xylene(s) 108-88-3 e-0.08 B
 Cyanides (Total) 57-12-5 e-0.028 A
 Chromium (Total) 7440-47-32 0.2
 Lead 7439-92-1 0.037

F038 Table A

Benzene 71-43-2 e-0.14 B
 Benzo(a)pyrene 50-32-8 e-0.061 B
 Bis(2-ethylhexyl) phthalate 117-81-7 e-0.28 B
 Chrysene 218-01-9e-0.059 B
 Di-n-butyl phthalate 84-74-2 e-0.057 B
 Ethylbenzene 100-41-4e-0.057 B
 Fluorene 86-73-7 e-0.059 B
 Naphthalene 91-20-3 e-0.059 B
 Phenanthrene 85-01-8 e-0.059 B
 Phenol 108-95-2e-0.039 B
 Pyrene 129-00-0e-0.067 B
 Toluene 108-88-3e-0.080 B
 Xylene(s) e-0.32 B
 Cyanides (Total) 57-12-5 e-0.028 A
 Chromium (Total) 7440-47-32 0.2
 Lead 7439-92-1 0.037

F039 (and D001 and D002 wastes prohibited under Section 728.137)

Acetone 67-64-1 e-0.28 B
 A & D
 Acenaphthalene 208-96-8e-0.059 B
 Acenaphthene 83-32-9 e-0.059 B
 Acetonitrile 75-05-8 e-0.17 B
 Acetophenone 96-86-2 e-0.010 B
 2-Acetylaminofluorene 53-96-3 e-0.059 B
 Acrylonitrile 107-13-1 e-0.24 B
 Acrolien 107-02-8 0.29 B
 Aldrin 309-00-2e-0.021 B

4-Aminobiphenyl 92-67-1 e-0.13 B
 Aniline 62-53-3 e-0.81 A
 Anthracene 120-12-7e-0.059 B
 Aramite 140-57-8 0.36 B
 Aroclor 1016 12674-11e-20.013 B
 Aroclor 1221 11104-28e-20.014 B
 Aroclor 1232 11141-16e-50.013 B
 Aroclor 1242 53469-21e-90.017 B
 Aroclor 1248 12672-29e-60.013 B
 Aroclor 1254 11097-69e-40.014 B
 Aroclor 1260 11096-82e-40.014 B
 alpha-BHC 319-84e-60.00014 B
 beta-BHC 319-85e-70.00014 B
 delta-BHC 319-86-8e-0.023 B
 gamma-BHC 58-89-9e-0.0017 B
 Benzene 71-43-2 e-0.14 B
 Benzo(a)anthracene 56-55-3 e-0.059 B
 Benzo(b)fluoranthene 205-99-2e-0.055 B
 Benzo(k)fluoranthene 207-08-9e-0.059 B
 Benzo(g,h,i)perylene 191-24-e-0.0055 B
 Benzo(a)pyrene 50-32-8 e-0.061 B
 Bromodichloromethane 75-27-4 e-0.35 B
 Bromoform (Tribromo-methane) 75-25-2 e-0.63 B
 Bromomethane (methyl bromide) 74-63-9 e-0.11 B
 4-Bromophenyl phenyl ether 101-55-3e-0.055 B
 n-Butyl alcohol 71-36-3 e-5.6 B
 Butyl benzyl phthalate 85-68-7 e-0.017 B
 2-sec-Butyl-4,6-dinitro-phenol 88-85-7 e-0.066 B
 Carbon tetrachloride 56-23-5 e-0.057 B
 Carbon disulfide 75-15-0 e-0.014 B
 Chlordane 57-74-9e-0.0033 B
 p-Chloroaniline 106-47-8 e-0.46 B
 Chlorobenzene 108-90-7e-0.057 B
 Chlorobenzilate 510-15-6 e-0.10 B
 2-Chloro-1,3-Butadiene 126-99-8 0.057 B
 Chlorodibromomethane 124-48-1e-0.057 B
 Chloroethane 75-00-3 e-0.27 B
 bis(2-Chloroethoxy)methane 111-91-1e-0.036 B
 bis(2-Chloroethyl) ether 111-44-4e-0.033 B
 2-Chloroethyl vinyl ether 4-057
 Chloroform 67-66-3 e-0.046 B
 bis(2-Chloroisopropyl) ether 39638-32e-90.055 B
 p-Chloro-m-cresol 59-50-7 e-0.018 B
 Chloromethane (Methyl chloride) 74-87-3 e-0.19 B
 2-Chloronaphthalene 91-8-7 e-0.055 B
 2-Chlorophenol 95-57-8 e-0.044 B
 3-Chloropropene 107-05-1e-0.036 B
 Chrysene 218-01-9e-0.059 B
 o-Cresol 95-48-7 e-0.11 B
 Cresol (m- and p-isomers) 108-94-1 e-0.36 B
 Cyclohexanone 96-12-8 e-0.11 B
 1,2-Dibromo-3-chloro-propane

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2-Dibromoethane (Ethylene dibromide)	106-93-4a-0.028 B	a-15. A
Dibromomethane	74-95-3 e-0.11 B	a-15. A
2,4-Dichlorophenoxyacetic acid (2,4-D)	94-75-7 e-0.72 B	a-10. A
o,p'-DDD	53-19-0 e-0.023 B	a-0.087 A
p,p'-DDD	72-54-8 e-0.023 B	a-0.087 A
o,p'-DDE	3424-82-6 e-0.031 B	a-0.087 A
p,p'-DDE	72-55-9 e-0.031 B	a-0.087 A
o,p'-DDT	789-02-6 e-0.0039 B	a-0.087 A
p,p'-DDT	50-29-3e-0.0039 B	a-0.087 A
Dibenzo(a,h)anthracene	53-70-3 e-0.055 B	a-8.2 A
Dibenzof(a,e)pyrene	192-65-4 0.061 A	a-6.2 A
m-Dichlorobenzene	541-73-1e-0.036 B	a-6.2 A
o-Dichlorobenzene	95-50-1 e-0.088 B	a-6.2 A
p-Dichlorobenzene	106-46-7e-0.090 B	a-6.2 A
Dichlorodifluoromethane	75-71-8 e-0.23 B	a-7.2 A
Dichloroethane	75-34-3 e-0.059 B	a-7.2 A
1,1-Dichloroethane	107-06-2 e-0.21 B	a-7.2 A
1,1-Dichloroethylene	75-35-4 e-0.025 B	a-33. A
trans-1,2-Dichloroethylene	e-0.054 B	a-33. A
2,4-Dichlorophenol	120-83-2e-0.044 B	a-14. A
2,6-Dichlorophenol	87-65-0 e-0.044 B	a-14. A
1,2-Dichloropropane	78-87-5 e-0.85 B	a-18. A
cis-1,3-Dichloropropene	10061-01e-0.036 B	a-18. A
trans-1,3-Dichloropropene	10061-02e-0.036 B	a-18. A
Dieldrin	60-57-1 e-0.017 B	a-0.13 A
Diethyl phthalate	84-66-2 e-0.20 B	a-28. A
2,4-Dimethylaminobenzene	60-11-3 e-0.13 B	a-14. A
Dimethyl phthalate	105-67-9e-0.036 B	a-28. A
Di-n-butyl phthalate	131-11-3e-0.047 B	a-28. A
1,4-Dinitrobenzene	84-74-2 e-0.057 B	a-2.3 A
4,6-Dinitro-o-cresol	100-25-4 e-0.32 B	a-160. A
2,4-Dinitrophenol	534-52-1 e-0.28 B	a-160. A
2,6-Dinitrotoluene	121-14-2 e-0.32 B	a-140. A
Di-n-octyl phthalate	606-20-2 e-0.55 B	a-28. A
Diphenylamine	117-84-0a-0.017 B	a-28. A
1,2-Diphenyl hydrazine	621-64-7 e-0.40 B	a-14. A
Diphenylnitrosamine	122-39-4 0.52 B	NA
1,4-Dioxane	122-66-7e-0.087 B	NA
Disulfoton	621-64-7 0.40 B	NA
Endosulfan I	123-91-1 e-0.12 B	a-170. A
Endosulfan II	298-04-4e-0.017 B	a-6.2 A
Endosulfan sulfate	939-98-8e-0.023 B	a-0.066 A
Endrin	33213-6-6 e-0.029 B	a-0.13 A
Endrin aldehyde	1031-07-6 e-0.028 B	a-0.13 A
Ethyl acetate	72-20-8e-0.0028 B	a-0.13 A
Ethyl cyanide	7421-93-4 e-0.025 B	a-33. A
Ethyl benzene	141-78-6 e-0.34 B	360. NA
Ethyl ether	107-12-0 e-0.24 B	a-6.0 A
bis(2-Ethylhexyl) phthalate	100-41-4e-0.057 B	a-160. A
Ethyl methacrylate	60-29-7 e-0.12 B	a-28. A
Ethylene oxide	117-81-7 e-0.28 B	a-28. A
Famphur	97-63-2 e-0.14 B	a-160. A
	75-21-8 e-0.12 B	a-15. A
	52-85-7 e-0.017 B	a-15. A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Fluoranthene	206-44-0e-0.068 B	a-8.2 A
Fluorene	86-73-7 e-0.059 B	a-4.0 A
Fluorotrichloromethane	75-69-4 e-0.020 B	a-33. A
Heptachlor	76-44-8e-0.0012 B	a-0.066 A
Heptachlor epoxide	1024-57-8 e-0.016 B	a-0.066 A
Hexachlorobenzene	118-74-1e-0.055 B	a-37. A
Hexachlorobutadiene	87-68-3 e-0.055 B	a-28. A
Hexachlorocyclopentadiene	77-47-4 e-0.057 B	a-3.6 A
Hexachlorodibenzofurans	e-0.000063 B	a-0.001 A
Hexachlorodibenzo-p- dioxins	e-0.000063 B	a-0.001 A
Hexachloroethane	67-72-1 e-0.055 B	a-28. A
Hexachloropropene	1888-71-8 e-0.035 B	a-28. A
Indeno(1,2,3-c,d)pyrene	193-39-6 e-0.0055 B	a-8.2 A
Iodomethane	74-88-4 e-0.019 B	a-65. A
Isobutanol	78-83-1 e-5.6 B	a-170. A
Isodrin	465-73-6e-0.021 B	a-0.066 A
Isosafrole	120-58-1e-0.081 B	a-2.6 A
Kepone	143-50-8 e-0.0011 B	a-0.13 A
Methacrylonitrile	126-98-7 e-0.24 B	a-84. A
Methacrylonitrile	91-80-5 e-0.081 B	a-1.5 A
Methanol	67-56-1 5.6 B	NA
Methoxychlor	72-43-5 e-0.25 B	a-0.18 A
3-Methylcholanthrene	56-49-5e-0.0055 B	a-15. A
4,4-Methylene-bis-(2- chloroaniline)	101-14-4 e-0.50 B	a-35. A
Methylene chloride	75-09-2 e-0.089 B	a-33. A
Methyl ethyl ketone	78-93-3 e-0.28 B	a-36. A
Methyl isobutyl ketone	108-10-1 e-0.14 B	a-33. A
Methyl methacrylate	80-62-6 e-0.14 B	a-160. A
Methyl methanesulfonate	66-27-3 e-0.018 B	NA
Methyl parathion	298-00-1e-0.014 B	e-4.6 B
Naphthalene	91-20-3 e-0.059 B	a-3.1 A
2-Naphthylamine	91-59-8 e-0.52 B	a-28. A
Nitrobenzene	100-01-6e-0.028 B	a-14. A
5-Nitro-o-toluidine	98-95-3 e-0.068 B	a-28. A
4-Nitrophenol	99-55-8 e-0.32 B	a-29. A
N-Nitrosodimethylamine	100-02-7 e-0.12 B	a-28. A
N-Nitrosodimethylamine	55-18-5 e-0.40 B	NA
N-Nitroso-di-n-butylamine	62-75-9 e-0.40 B	a-17. A
N-Nitroso-methylamine	924-16-3 e-0.40 B	a-2.3 A
N-Nitrosomorpholine	105-95-6 e-0.40 B	a-2.3 A
N-Nitrosopiperidine	59-89-2 e-0.40 B	a-35. A
Parathion	100-75-4e-0.013 B	a-35. A
Pentachlorobenzene	930-55-2e-0.0174 B	a-4.6 A
Pentachlorodibenzo-furans	56-38-2e-0.0174 B	a-37. A
Pentachlorodibenzo-p- dioxins	608-93-5e-0.055 B	a-0.001 A
Pentachlorodibenzo-p- dioxins	e-0.000063 B	a-0.001 A
Pentachloronitrobenzene	82-68-8 e-0.055 B	a-4.8 A
Pentachlorophenol	87-86-5 e-0.089 B	a-7.4 A
Phenacetin	62-44-2 e-0.081 B	a-16. A
Phenanthrene	85-01-8 e-0.059 B	a-3.1 A
Phenol	108-95-2e-0.039 B	a-6.2 A
Phosphate (ethyl pyridinate)	108-02-2e-0.021 B	a-4.6 A
	107-12-0 e-0.24 B	a-360. A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Phthalic anhydride	85-44-9	0.69 B	NA
Pronamide	23950-58	50.093 B	a-1.5 A
Pyrene	129-00-0	a-0.067 B	a-8.2 A
Pyridine	110-86-1	a-0.014 B	a-16 A
Safrole	94-59-7	a-0.081 B	a-22 A
Silvex (2,4,5-TP)	93-72-1	a-0.72 B	a-7.9 A
2,4,5-T	93-76-5	a-0.72 B	a-7.9 A
1,2,4,5-Tetrachlorobenzene	95-94-3	a-0.055 B	a-19 A
Tetrachlorodibenzofurans	a-0.00063 B		a-0.001 A
Tetrachlorodibenzo-p-dioxins	a-0.000063 B		a-0.001 A
2,3,7,8-Tetrachlorodibenzo-p-dioxin	a-0.000063 B		NA
1,1,1,2-Tetrachloroethane	630-20-6	a-0.057 B	a-42 A
1,1,2-Tetrachloroethane	79-34-6	a-0.057 B	a-42 A
Tetrachloroethylene	127-18-4	a-0.056 B	a-5.6 A
2,3,4,6-Tetrachlorophenol	58-90-2	a-0.030 B	a-37 A
Toluene	108-88-3	a-0.080 B	a-28 A
Toxaphene	8001-35	a-0.0095 B	a-1.3 A
1,2,4-Trichlorobenzene	120-82-1	a-0.055 B	a-19 A
1,1,1-Trichloroethane	71-55-6	a-0.054 B	a-5.6 A
1,1,2-Trichloroethane	79-00-5	a-0.054 B	a-5.6 A
Trichloroethylene	79-01-6	a-0.054 B	a-5.6 A
2,4,5-Trichlorophenol	95-95-4	a-0.18 B	a-37 A
2,4,6-Trichlorophenol	88-06-2	a-0.035 B	a-37 A
1,2,3-Trichloropropane	96-18-4	a-0.085 B	a-28 A
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	a-0.057 B	a-28 A
Tris(1,2,3-dibromopropyl)phosphate	126-72-7	0.11 B	NA
Vinyl chloride	75-01-4	a-0.27 B	a-33 A
Xylene(s)	57-12-5	a-1.2 B	a-28 A
Cyanides (Total)	57-12-5	a-0.86	a-1.8 A
Cyanidee-(Amenebte)	16964-48-8	a-35 B	NA
Fluoride	8496-25-8	a-14 B	NA
Sulfide	7440-36-0	a-1.9 B	NA
Antimony	7440-39-3	a-1.2 B	NA
Arsenic	7440-41-7	a-0.82 B	NA
Barium	7440-43-9	a-0.20 B	NA
Beryllium	7440-47-3	a-0.37 B	NA
Cadmium	7440-50-8	a-1.3 B	NA
Chromium (Total)	7439-92-1	a-0.28 B	NA
Copper	7439-97-6	a-0.15 B	NA
Lead	7439-97-6	a-0.15 B	NA
Mercury	7782-49-2	a-0.82 B	NA
Nickel	7440-22-4	a-0.29 B	NA
Selenium	7440-28-0	1.4 B	NA
Silver	7440-62-8	a-0.042 B	NA
Thallium	7440-66-0	1.0 B	NA
Vanadium	7440-66-0	1.0 B	NA
Zinc	7440-66-0	1.0 B	NA
X001 Table A	91-20-3	a-0.031 A	a-1.5 A
Naphthalene	87-86-5	a-0.031 A	a-1.5 A
Pentachlorophenol	85-01-8	a-0.031 A	a-1.5 A
Phenanthrene	129-00-0	a-0.028 A	a-1.5 A
Pyrene	1068-88-8	a-0.028 A	a-28 A
Toluene		a-0.032 A	a-33 A
Xylenes (Total)			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-4	0.037 A	NA
K002 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K003 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K004 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K005 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K006 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K007 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K008 Table A Chromium (Total)	7440-47-3	a-20.9 B	NA
Lead	7439-92-1	a-3.4 B	NA
K009 NA	67-66-3	0.1	a-6.0 A
K010 NA	67-66-3	0.1	6.0
K011 NA	75-05-8	38.	1.8
Acetonitrile	107-13-1	0.06	1.4
Acrylonitrile	79-06-1	19.	23.
Benzenes	71-43-2	0.02	0.03
Cyanide (Total)	57-12-5	21.	57.
K013 NA	75-05-8	38.	a-1.8 A
Acetonitrile	107-13-1	0.06	a-1.4 A
Acrylonitrile	79-06-1	19.	a-23 A
Benzenes	71-43-2	0.02	a-0.03 A
Cyanide (Total)	57-12-5	21.	57.
K014 NA	75-05-8	38.	a-1.8 A
Acetonitrile	107-13-1	0.06	a-1.4 A
Acrylonitrile	79-06-1	19.	a-23 A
Benzenes	71-43-2	0.02	a-0.03 A
Cyanide (Total)	57-12-5	21.	57.
K015 Table A	120-12-7	0.059	a-3.4 A
Anthracene	98-87-3	0.28	a-6.2 A
Sum of Benzo(b)fluoranthene and Benzo(k)fluoranthene	207-08-9	0.055	3.4
Phenanthrene	85-01-8	0.059	a-3.4 A
Toluene	108-88-3	0.08	a-6.0 A
Chromium (Total)	7440-47-3	0.32	NA
Nickel	7440-02-0	0.44	NA
K016 NA	118-74-1	0.055	a-28 A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K017	NA	Hexachlorobutadiene	87-68-3	0.055	a-5.6 A
		Hexachlorocyclopentadiene	77-47-4	0.057	a-5.6 A
		Hexachloroethane	67-72-1	0.055	a-28. A
		Tetrachloroethene	127-18-4	0.056	a-6.0 A
K018	NA	1,2-Dichloropropane	78-87-5	0.85 A B	a-21.8 A
		1,2,3-Trichloropropane	96-18-4	0.85 A B	a-28. A
		Bis(2-chloroethyl)ether	111-44-4	0.033 A B	a-7.2 A
		Chloroethane	76-00-3	0.27	a-6.0 A
K019	NA	Chloromethane	74-87-3	0.19	a-6.0 A
		1,1-Dichloroethane	75-34-3	0.059	a-6.0 A
		1,2-Dichloroethane	107-06-2	0.21	a-6.0 A
		Hexachlorobenzene	118-74-1	0.055	a-28. A
		Hexachlorobutadiene	87-68-3	0.055	a-5.6 A
		Pentachloroethane	76-01-7	0.054	5.6
		1,1,1-Trichloroethane	71-55-6	0.054	a-28. A
		Hexachloroethane	67-72-1	0.055	a-6.0 A
		Bis(2-chloroethyl) ether	111-44-4	0.033	a-5.6 A
		Chlorobenzene	108-90-7	0.057	a-6.0 A
		Chloroform	67-66-3	0.046	a-6.0 A
		p-Dichlorobenzene	106-46-7	0.09	a-6.0 A
K020	NA	1,2-Dichloroethane	107-06-2	0.21	a-6.0 A
		Fluorene	86-73-7	0.059	a-28. A
		Hexachloroethane	67-72-1	0.055	a-5.6 A
		Naphthalene	91-20-3	0.059	a-5.6 A
		Phenanthrene	85-01-8	0.059	a-5.6 A
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	a-6.0 A
		Tetrachloroethene	127-18-4	0.056	a-6.0 A
		1,2,4-Trichlorobenzene	120-82-1	0.055	a-6.0 A
		1,1,1-Trichloroethane	71-55-6	0.054	a-6.0 A
		1,2-Dichloroethane	106-93-4	0.21	a-6.0 A
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	a-5.6 A
		Tetrachloroethene	127-18-4	0.056	a-6.0 A
K021	Table A	Chloroform	67-66-3	0.046 B	a-6.2 A
		Carbon tetrachloride	58-23-5	0.057 B	a-6.2 A
		Antimony	58-23-5	0.5057 B	a-6.2 A
			7440-36-0		
K022	Table A	Toluene	108-88-8	0.0680 B	a-0.034 A
		Acetophenone	96-86-2	0.010	a-19. A
		Diphenylamine	22-39-4	0.52 B	NA
		Sum of Diphenylamine and Diphenylnitrosamine	86-30-6	0.40 B	a-13. A
K023	NA	Phenol	108-95-2	0.039	a-12. A
		Chromium (Total)	7440-47-32	0.35	NA
		Nickel	7440-02-0	0.47	NA
		Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a-28. A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K024	NA	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.069	a-28. A
		1,1-Dichloroethane	75-34-3	0.059	a-6.0 A
		1,2-Dichloroethane	107-06-2	0.21	a-6.0 A
		Hexachlorobutadiene	87-68-3	0.054	a-5.6 A
K028	Table A	Hexachloroethane	67-72-1	0.055	a-28. A
		Pentachloroethane	76-01-7	0.055	a-5.6 A
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	a-5.6 A
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	a-5.6 A
		1,1,1,2-Trichloroethane	71-55-6	0.054	a-6.0 A
		1,1,2-Trichloroethane	79-00-5	0.054	a-6.0 A
		Tetrachloroethene	127-18-4	0.056	a-6.0 A
		Cadmium	7440-43-9	6.4	NA
		Chromium (Total)	7440-47-32	0.35	NA
		Lead	7439-92-1	0.037	NA
		Nickel	7440-02-0	0.47	NA
		Chloroform	67-66-3	0.46	a-6.0 A
K029	NA	1,2-Dichloroethane	107-06-2	0.21	a-6.0 A
		1,1-Dichloroethene	75-35-4	0.025	a-6.0 A
		1,1,1-Trichloroethane	71-55-6	0.054	a-6.0 A
		Vinyl chloride	75-01-4	0.27	a-6.0 A
		o-Dichlorobenzene	95-50-1	0.088	NA
		p-Dichlorobenzene	106-46-7	0.09	NA
		Hexachlorobutadiene	87-68-3	0.055	a-5.6 A
		Hexachloroethane	67-72-1	0.055	a-28. A
K030	NA	Hexachloropropene	1888-71-7	NA	a-19. A
		Pentachlorobenzene	608-93-5	NA	a-28. A
		Pentachloroethane	76-01-7	NA	a-5.6 A
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	a-14. A
		Tetrachloroethene	127-18-4	0.056	a-6.0 A
		1,2,4-Trichlorobenzene	120-82-1	0.055	a-19. A
		Arsenic	7440-38-2	0.79	NA
		Hexachlorocyclopentadiene	77-47-4	0.057 B	a-24. A
K032	NA	Chlordane	57-74-9	0.0033 B	a-0.26 A
		Heptachlor	76-44-8	0.0012 B	a-0.066 A
		Heptachlor epoxide	1024-57-8	0.016 B	a-0.066 A
		Hexachlorocyclopentadiene	77-47-4	0.057 B	a-2.4 A
K033	NA	Hexachlorocyclopentadiene	77-47-4	0.057 B	a-2.4 A
		Acenaphthene	83-32-9	NA	a-3.4 A
		Anthracene	120-12-7	NA	a-3.4 A
		Benz(a)anthracene	56-55-3	0.59 B	a-3.4 A
K034	NA	Benzo(a)pyrene	50-32-8	NA	a-3.4 A
		Chrysene	218-01-9	0.059 B	a-3.4 A
		Dibenz(a,h)anthracene	53-70-3	NA	a-3.4 A
		Fluoranthene	206-44-0	0.068 B	a-3.4 A
K035	NA	Fluorene	86-73-7	NA	a-3.4 A
		Indeno(1,2,3-cd)pyrene	193-39-5	0.77 B	a-3.4 A
		Cresols (m- and p-isomers)			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K036	NA	Naphthalene	91-20-3 e-0.059 B	a-3.4 A	NA
K037	NA	o-Cresol	95-48-7 e-0.11 B	a-3.4 A	NA
		Phenanthrene	85-01-8 e-0.059 B	a-8.2 A	NA
		Phenol	108-95-2 e-0.039	a-0.1 A	
		Pyrene	129-00-0 e-0.067 B	a-0.1 A	
		Disulfoton	298-04-4 e-0.025 B	a-0.1 A	
		Disulfoton	298-04-4 e-0.025 B	a-0.1 A	
		Toluene	108-88-3 e-0.080 B	a-2.6 A	
K038	NA	Phorate	298-02-2 0.025	a-0.1 A	
K040	NA	Phorate	298-02-2 0.025	a-0.1 A	
K041	NA	Toxaphene	8001-35 e-0.0095 B	a-2.6 A	
K042	NA	1,2,4,5-Tetrachlorobenzene	95-94-3 e-0.055 B	a-4.4 A	
		o-Dichlorobenzene	95-50-1 e-0.088 B	a-4.4 A	
		p-Dichlorobenzene	106-46-7 e-0.090 B	a-4.4 A	
		Pentachlorobenzene	9508-93-5 e-0.055 B	a-4.4 A	
		1,2,4-Trichlorobenzene	120-82-1 e-0.055 B	a-4.4 A	
K043	NA	2,4-Dichlorophenol	120-83-2 0.044	e-0.38 A	
		2,6-Dichlorophenol	187-65-0 0.044	a-0.34 A	
		2,4,5-Trichlorophenol	95-95-4 0.18	a-8.2 A	
		2,4,6-Trichlorophenol	88-06-2 0.035	a-7.6 A	
		Tetrachlorophenols (Total)	NA	a-0.68 A	
		Pentachlorophenol	87-86-5 0.089	a-1.9 A	
		Tetrachloroethene	79-01-6 0.056	a-1.7 A	
		Hexachlorodibenzop-p-dioxins	0.000063	a-0.001 A	
		Hexachlorodibenzofurans	0.000063	a-0.001 A	
		Pentachlorodibenzo-p-dioxins	0.000063	a-0.001 A	
		Pentachlorodibenzo furans	0.000063	a-0.001 A	
		Tetrachlorodibenzo-p-dioxins	0.000063	a-0.001 A	
		Tetrachlorodibenzo furans	0.000063	a-0.001 A	
K046	Table A	Lead	7439-92-1 0.037	NA	
K048	Table A	Benzone	71-43-2 e-0.14 B	a-14. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	117-81-7 e-0.28 B	a-7.3 A	
		Fluorene	218-01-9 e-0.059 B	a-15. A	
		Naphthalene	84-74-2 e-0.057 B	a-3.6 A	
		Phenanthrene	100-41-4 e-0.057 B	a-14. A	
		Pyrene	86-73-7 e-0.059 B	a-42. A	
		Toluene	91-20-3 e-0.059 B	a-34. A	
		Xylene(s)	108-95-2 e-0.039 B	a-3.6 A	
		Cyanides (Total)	129-00-0 e-0.067 B	a-36. A	
		Chromium (Total)	108-88-3 e-0.08 B	a-22. A	
		Lead	57-12-5 e-0.028 A	a-1.8 A	
		Benzone	7439-29-1 0.037	a-14. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
		Fluorene	84-74-2 e-0.057 B	a-3.6 A	
		Naphthalene	100-41-4 e-0.057 B	a-14. A	
		Phenanthrene	86-73-7 e-0.059 B	a-42. A	
		Pyrene	91-20-3 e-0.059 B	a-34. A	
		Toluene	108-95-2 e-0.039 B	a-3.6 A	
		Xylene(s)	129-00-0 e-0.067 B	a-36. A	
		Cyanides (Total)	108-88-3 e-0.08 B	a-22. A	
		Chromium (Total)	57-12-5 e-0.028 A	a-1.8 A	
		Lead	7439-29-1 0.037	a-14. A	
		Benzone	50-32-8 e-0.061 B	a-12. A	
		Bis(2-ethylhexyl) phthalate	50-32-8 e-0.061 B	a-12. A	
		Chrysene	218-01-9 e-0.059 B	a-15. A	
	</				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K060	NA	Phenol	108-95-28-0.039 B	a-3.6 A
		Toluene	108-88-3 e-0.08 B	a-14. A
		Xylenes	e-0.32 B	a-22. A
		Cyanides (Total)	56-12-5 a-0.028 A	a-1.8 A
		Chromium (Total)	7440-47-32 0.2	NA
K061	NA	Lead	7439-92-1 0.037	NA
		Benzene	71-43-2 e-0.17 B	a-0.071 A
		Benzo(a)pyrene	50-32-8 e-0.035 B	a-3.6 A
		Naphthalene	91-20-3 e-0.028 B	a-3.4 A
		Phenol	108-95-28-0.042 B	a-3.4 A
K062	NA	Cyanides (Total)	57-12-5 1.9	1.2
		Cadmium	7440-43-9 1.61	NA
		Chromium (Total)	7440-47-32 0.32	NA
		Lead	7439-92-1 0.51	NA
		Nickel	7440-02-20 0.44	NA
K063	NA	Chromium (Total)	7440-47-32 0.32	NA
		Lead	7439-92-1 0.04	NA
		Nickel	7440-02-20 0.44	NA
		Cadmium	7440-43-9 1.6	NA
		Lead	7439-92-1 0.51	NA
K064	NA	Mercury	7439-97-6 0.030	NA
		Carbon tetrachloride	58-23-5 e-0.057 B	a-6.2 A
		Chloroform	67-66-3 e-0.046 B	a-6.2 A
		Hexachloroethane	67-72-1 e-0.055 B	a-30. A
		Tetrachloroethene	127-18-4 e-0.056 B	a-6.2 A
K065	NA	1,1,1-Trichloroethane	71-55-6 e-0.054 B	a-6.2 A
		Benzene	71-43-2 e-0.14 B	a-6.6 A
		Aniline	62-53-3 e-0.81 B	a-14. A
		Diphenylamine	22-39-4 e-0.52 B	NA
		Sum of Diphenylamine and Diphenylnitrosamine	86-30-6 e-0.40 B	NA
K066	NA	Nitrobenzene	98-95-3 e-0.068 B	a-14. A
		Phenol	108-95-2 0.039	a-14. A
		Cyclohexanone	108-94-1 0.36	a-5.6 A
		Nickel	7440-02-20 0.47	a-30. A
		Arsenic	7440-38-2 0.79	NA
K067	NA	Benzene	71-43-2 e-0.14 B	a-4.4 A
		Chlorobenzene	108-90-7 e-0.057 B	a-4.4 A
		o-Dichlorobenzene	95-50-1 e-0.088 B	a-4.4 A
		m-Dichlorobenzene	541-73-1 e-0.036 B	a-4.4 A
		p-Dichlorobenzene	106-46-7 e-0.090 B	a-4.4 A
K068	NA	1,2,4-Trichlorobenzene	120-82-1 e-0.055 B	a-4.4 A
		1,2,4,5-Tetrachlorobenzene	95-94-3 e-0.055 B	a-4.4 A
		Pentachlorobenzene	608-93-5 0.055	a-4.4 A
		Hexachlorobenzene	118-74-1 e-0.055 B	a-4.4 A
		Aroclor 1016	12674-11e20.013 B	a-0.9 A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K086	Table A	Aroclor 1221	11104-28e20.014 B	a-0.92 A
		Aroclor 1232	11141-16e50.013 B	a-0.92 A
		Aroclor 1242	53469-21e90.017 B	a-0.92 A
		Aroclor 1248	12672-29e60.013 B	a-1.8 A
		Aroclor 1254	11097-69e10.014 B	a-1.8 A
K087	Table A	Aroclor 1260	11096-82e50.014 B	a-1.8 A
		Acetone	67-64-1 0.28	a-160. A
		Acetophenone	96-86-2 0.010	a-9.7 A
		Bis(2-ethylhexyl)phthalate	117-81-7 e-0.28 B	a-28. A
		n-Butyl alcohol	71-36-3 5.6	a-2.6 A
K088	Table A	Butylbenzylphthalate	89-68-7 e-0.017 B	a-7.9 A
		cyclohexanone	108-94-1 0.36	a-6.0 A
		1,2-Dichlorobenzene	95-50-1 0.088	a-28. A
		Diethyl phthalate	84-66-2 e-0.20 B	a-28. A
		Dimethyl phthalate	131-11-3 e-0.047 B	a-28. A
K089	Table A	Di-n-butyl phthalate	84-74-2 e-0.057 B	a-28. A
		Di-n-octyl phthalate	117-84-0e-0.017 B	a-33. A
		Ethyl acetate	141-78-6 e-0.34 B	a-6.0 A
		Ethylbenzene	100-41-4e-0.057 B	NA
		Methanol	67-56-1 e-5.6 B	a-33. A
K090	Table A	Methyl isobutyl ketone	108-10-1 0.14	a-36. A
		Methyl ethyl ketone	78-93-3 0.28	a-33. A
		Methylene chloride	75-09-2 e-0.089 B	a-3.1 A
		Naphthalene	91-20-3 e-0.059 B	a-14. A
		Nitrobenzene	98-95-3 e-0.068 B	a-28. A
K091	Table A	Toluene	108-88-3e-0.080 B	a-5.6 A
		1,1,1-Trichloroethane	71-55-6 e-0.054 B	a-5.6 A
		Trichloroethylene	79-01-6 e-0.054 B	a-28. A
		Xylene(s) (Total)	47-12-5 1.9	1.5
		Cyanides (Total)	7440-47-32 0.32	NA
K092	Table A	Chromium (Total)	7439-92-1 0.037	NA
		Acenaphthalene	208-96-8e-0.059 B	3.4
		Benzene	71-43-2 e-0.14 B	a-0.071 A
		Chrysene	218-01-9e-0.059 B	a-3.4 A
		Fluoranthene	206-44-0e-0.068 B	a-3.4 A
K093	Table A	Indeno (1,2,3-cd) pyrene	193-39-8e-0.0055 B	a-3.4 A
		Naphthalene	91-20-3 e-0.059 B	a-3.4 A
		Phenanthrene	85-01-8 e-0.059 B	a-3.4 A
		Toluene	108-88-3 e-0.08 B	a-0.65 A
		Xylenes	e-0.32 B	a-0.07 A
K094	Table A	Lead	7439-92-1 0.037	NA
		Phthalic anhydride	85-44-9 0.069	a-28. A
		(measured as Phthalic acid)		
		Phthalic anhydride	85-44-9 0.069	a-28. A
		(measured as Phthalic acid)		
K095	Table A	1,1,1,2-Tetrachloroethane	630-20-6 0.057	a-5.6 A
		1,1,2,2-Tetrachloroethane	79-34-6 0.057	a-5.6 A
		Tetrachloroethene	127-18-4 0.056	a-6.0 A
		1,1,2-Trichloroethane	79-00-5 0.054	a-6.0 A
		Trichloroethylene	79-01-6 0.054	a-5.6 A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K096	NA	Hexachloroethane Pentachloroethane	67-72-1 76-01-7	0.055 0.055	a-28. <u>A</u> a-5.6 <u>A</u>
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	a-5.6 <u>A</u>
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	a-5.6 <u>A</u>
		Tetrachloroethene	127-18-4	0.056	a-6.0 <u>A</u>
		1,1,2-Trichloroethane	79-00-5	0.054	a-5.6 <u>A</u>
		Trichloroethene (Tri- chloroethylene)	79-01-6	0.054	a-5.6 <u>A</u>
		1,3-Dichlorobenzene	541-73-1	0.036	a-5.6 <u>A</u>
		Pentachloroethane	76-01-7	0.055	a-5.6 <u>A</u>
		1,2,4-Trichlorobenzene	120-82-1	0.055	a-15. <u>A</u>
K097	NA	Hexachlorocyclopentadiene Chlordane	77-47-4 57-74-9	a-0.057 <u>B</u> a-0.0033 <u>B</u>	2.4 a-0.26 <u>A</u>
		Heptachlor epoxide	76-44-88	a-0.0012 <u>B</u>	a-0.066 <u>A</u>
		Toxaphene	1024-57-8	a-0.016 <u>B</u>	a-2.6 <u>A</u>
K098	NA	2,4-Dichlorophenoxyacetic acid	8001-35e	a-0.0095 <u>B</u>	a-1.0 <u>A</u>
K099	NA	Hexachlorodibenzo-p- dioxins	94-75-7	a-1.0 <u>A</u>	a-0.001 <u>A</u>
		Hexachlorodibenzo-furans		a-0.001 <u>A</u>	a-0.001 <u>A</u>
		Pentachlorodibenzo-p- dioxins		a-0.001 <u>A</u>	a-0.001 <u>A</u>
		Pentachlorodibenzo-furans		a-0.001 <u>A</u>	a-0.001 <u>A</u>
		Tetrachlorodibenzo-p- dioxins		a-0.001 <u>A</u>	a-0.001 <u>A</u>
		Tetrachlorodibenzo-furans		a-0.001 <u>A</u>	a-0.001 <u>A</u>
K100	Table A	Cadmium Chromium (Total) Lead	7440-43-9 7440-47-32 7439-92-1	1.6 0.32 0.51	NA NA NA
K101	NA	o-Nitroaniline	7440-38-2	a-0.27 <u>A</u>	a-14. <u>A</u>
		Arsenic	7440-43-9	0.79	NA
		Cadmium	7440-43-9	0.24	NA
		Lead	7439-92-1	0.17	NA
		Mercury	7439-97-6	0.082	NA
K102	Table A	o-Nitrophenol	7440-38-2	a-0.028 <u>A</u>	a-13. <u>A</u>
		Arsenic	7440-43-9	0.79	NA
		Cadmium	7440-43-9	0.24	NA
		Lead	7439-92-1	0.17	NA
		Mercury	7439-97-6	0.082	NA
K103	NA	Aniline	62-53-3	a-4.5 <u>A</u>	5.6
		Benzene	71-43-2	a-0.15 <u>A</u>	a-6.0 <u>A</u>
		2,4-Dinitrophenol	51-28-5	a-0.61 <u>A</u>	a-5.6 <u>A</u>
		Nitrobenzene	98-95-3	a-0.073 <u>A</u>	a-5.6 <u>A</u>
		Phenol	108-95-2	a-1.4 <u>A</u>	a-5.6 <u>A</u>
K104	NA	Aniline	62-53-3	a-4.5 <u>A</u>	a-5.6 <u>A</u>
		Benzene	71-43-2	a-0.15 <u>A</u>	a-6.0 <u>A</u>
		2,4-Dinitrophenol	51-28-5	a-0.61 <u>A</u>	a-5.6 <u>A</u>
		Nitrobenzene	98-95-3	a-0.073 <u>A</u>	a-5.6 <u>A</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		Phenol Cyanides (Total)	108-95-2 57-12-5	a-1.4 <u>A</u> 2.7	a-5.6 <u>A</u> a-1.8 <u>A</u>
		Benzene	71-43-2	0.14	a-4.4 <u>A</u>
		Chlorobenzene	108-90-7	0.057	a-4.4 <u>A</u>
		o-Dichlorobenzene	95-50-1	0.088	a-4.4 <u>A</u>
		p-Dichlorobenzene	106-46-7	0.090	a-4.4 <u>A</u>
		2,4,5-Trichlorophenol	95-95-4	0.18	a-4.4 <u>A</u>
		2,4,6-Trichlorophenol	88-06-2	0.035	a-4.4 <u>A</u>
		Phenol	95-57-8	0.044	a-4.4 <u>A</u>
		Mercury	108-95-2	0.039	a-4.4 <u>A</u>
K105	NA	Tables A & D	7439-97-6	0.030	NA
K115	Table A	Nickel	7440-02-2Q	0.47	NA
K111	NA	2,4-Dinitrotoluene	121-14-2	0.32	a-140. <u>A</u>
		2,6-Dinitrotoluene	606-20-2	0.55	a-28. <u>A</u>
K117	NA	Ethylene dibromide Methyl bromide Chloroform	106-93-4 74-83-9 67-66-3	0.028 0.11 0.046	a-15. <u>A</u> a-15. <u>A</u> a-5.6 <u>A</u>
K118	NA	Ethylene dibromide Methyl bromide Chloroform	106-93-4 74-83-9 67-66-3	0.028 0.11 0.046	a-15. <u>A</u> a-15. <u>A</u> a-5.6 <u>A</u>
K131	NA	Methyl bromide	74-83-9	0.11	a-15. <u>A</u>
K132	NA	Methyl bromide	74-83-9	0.11	a-15. <u>A</u>
K136	NA	Ethylene dibromide Methyl bromide Chloroform	106-93-4 74-83-9 67-66-3	0.028 0.11 0.046	a-15. <u>A</u> a-15. <u>A</u> a-5.6 <u>A</u>

a Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724, Subpart 0 of 725, Subpart 0, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728-107.

a Based on analysis of composite samples.

R He analyzed using SW-846 Method 9010, sample size 0.5-107, distillation time one hour to one hour and fifteen minutes.

NA Not Applicable.

TABLE B (CCW): P AND U LISTED WASTES

CAS No. for Regulated Hazardous Constituent	Concentra- tion (mg/L) Nonwaste- waters
Commercial Waste Chemical Code Name	Regulated Hazardous Constituent
See Also	Concentra- tion (mg/L) Nonwaste- waters

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P004	Aldrin	NA	309-00-2	0.21_B	0.066_A
P010	Arsenic acid Table A	Arsenic	7440-38-2	0.79	NA
P011	Arsenic pentoxide	Table A	7440-38-2	0.79	NA
P012	Arsenic trioxide	Table A	7440-38-2	0.79	NA
P013	Barium cyanide	Table A	57-12-5	1.9	110.
		Cyanides (Total) (Amenable)	57-12-5	0.1	9.1
P020	2-sec-Butyl-4,6-dinitro-phenol (Dinoseb)	NA	88-85-7	0.066	2.5_A
		2-sec-Butyl-4,6-dinitro-phenol (Dinoseb)	57-12-5	1.9	110.
P021	Calcium cyanide	NA	57-12-5	0.1	9.1
		Cyanides (Total) (Amenable)	57-12-5	0.1	9.1
P022	Carbon di-sulfide	Table D	75-15-0	0.014	NA
P024	p-Chloro-aniline	NA	106-47-8	0.46	26._A
P029	Copper cyanide	NA	57-12-5	1.9	110.
		Cyanides (Total) (Amenable)	57-12-5	0.1	9.1
P030	Cyanides (soluble salts and complexes)	NA	57-12-5	1.9	110.
		Cyanides (Total) (Amenable)	57-12-5	0.1	9.1
P036	Dichloro-phenylarsine	Table A	7440-38-2	0.79	NA
P037	Dieldrin	NA	60-57-1	0.017_B	0.13_A
P038	Diethyl-arsine	Table A	7440-38-2	0.79	NA
P039	Disulfoton	NA	298-04-4	0.017	0.1_A
P047	4,6-Dinitro-o-cresol	NA	534-52-4	0.28_B	100._A
P048	2,4-Dinitro-phenol	NA	51-28-5	0.12_B	100._A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P050	Endosulfan	NA	939-98-8	0.023_B	0.066_A
		Endosulfan II	33213-6-5	0.029_B	0.13_A
		Endosulfan sulfate	1031-07-8	0.029_B	0.13_A
P051	Endrin	NA	72-20-8	0.0828_B	0.13_A
		Endrin aldehyde	7421-93-4	0.025_B	0.13_A
P056	Fluoride	Table D	18694-48-8	35.	NA
P059	Heptachlor	NA	76-44-8	0.0812_B	0.066_A
		Heptachlor epoxide	1024-57-3	0.016_B	0.066_A
P060	Isodrin	NA	465-73-6	0.021_B	0.066_A
P063	Hydrogen cyanide	NA	57-12-5	1.9	110.
		Cyanides (Total) (Amenable)	57-12-5	0.10	9.1
P065	Mercury fulminate	Tables A & D	7439-97-6	0.030	NA
P071	Methyl parathion	NA	298-00-0	0.025	0.1_A
P073	Nickel carbonyl	Table A	7440-02-20	0.4432	NA
P074	Nickel cyanide	Table A	57-12-5	1.9	110.
		Cyanides (Total) (Amenable)	57-12-5	0.10	9.1
P077	p-Nitro-aniline	NA	100-01-6	0.028_B	28._A
P082	N-Nitrosodi-methylamine	Table D	62-75-9	0.40_B	NA
P089	Parathion	NA	56-38-2	0.025	0.1_A
P092	Phenylmer-cury acetate A & D	Tables	7439-97-6	0.030	NA
P094	Phorate	NA	298-02-2	0.025	0.1_A
P097	Famphur	NA	52-85-7	0.025	0.1_A
P098	Potassium cyanide	NA	57-12-5	1.9	110.
		Cyanides (Total) (Amenable)	57-12-5	0.10	9.1

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P099	Potassium silver cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable) Silver	57-12-5	0.1	9.1
				7440-22-4	0.29	NA
P101	Ethyl cyanide (Propanenitrile)	NA	Ethyl cyanide (Propanenitrile)	107-12-0	0*24_B	360._A
P103	Selenourea	Table A	Selenium	7782-49-2	3.0_B	NA
P104	Silver cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable) Silver	57-12-5	0.10	9.1
				7440-22-4	0.29	NA
P106	Sodium cyanide	NA	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
P110	Tetraethyl lead	Tables A & D	Lead	7439-92-1	0.040	NA
P113	Thallic oxide	Table D	Thallium	7440-28-0	0*14_B	NA
P114	Thallium selenite	Table A	Selenium	7782-49-2	1.0	NA
P115	Thallium(I) sulfate	Table D	Thallium	7440-28-0	0*14_B	NA
P119	Ammonia vanadate	Table D	Vanadium	7440-62-2	28._B	NA
P120	Vanadium pentoxide	Table D	Vanadium	7440-62-2	28._B	NA
P121	Zinc cyanide	NA	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
P123	Toxaphene	NA	Toxaphene	8001-35-10.0995_B	3.3_A	NA
U002	Acetone	NA	Acetone	67-64-1	0.28	160._A
U003	Acetonitrile	Table D	Acetonitrile	75-05-8	0.17	NA.17
U004	Acetophenone	NA	Acetophenone	98-86-2	0.010_A	9.7_A
U005	2-Acetylamino fluorene	NA	2-Acetylamino fluorene	53-96-3	0.059_B	140._A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U009	Acrylonitrile	NA	Acrylonitrile	107-13-1	0*24_A	84._A
U012	Aniline	NA	Aniline	62-53-3	0.81	34._A
U018	Benz(a)-anthracene	NA	Benz(a)-anthracene	56-55-3	0.059_B	8.2_A
U019	Benzene	NA	Benzene	71-43-2	0*14_B	36._A
U022	Benzo(a)-pyrene	NA	Benzo(a)-pyrene	50-32-8	0.061_B	8.2_A
U024	Bis(2-chloroethoxy)methane	NA	Bis(2-chloroethoxy)methane	111-91-1	0.036	3.2_A
U025	Bis(2-chloroethyl) ether	NA	Bis(2-chloroethyl) ether	111-44-4	0.033	3.2_A
U027	Bis(2-chloroisopropyl) ether	NA	Bis(2-chloroisopropyl) ether	39638-32-9	0.055	3.2_A
U028	Bis(2-ethylhexyl)-phthalate	NA	Bis(2-ethylhexyl)-phthalate	117-81-7	0.28_A	28._A
U029	Bromomethane (Methyl bromide)	NA	Bromomethane (Methyl bromide)	74-83-9	0*11_A	35._A
U030	4-Bromophenyl phenyl ether	NA	4-Bromophenyl phenyl ether	101-55-3	0.055_A	35._A
U031	n-Butyl alcohol	NA	n-Butyl alcohol	71-36-3	5.6	3.6_A
U032	Calcium chromate	Table A	Chromium (Total)	7440-47-32	0.32	NA
U036	Chlordane (alpha and gamma)	NA	Chlordane (alpha and gamma)	57-74-9	0.0033_B	0*13_A
U037	Chlorobenzene	NA	Chlorobenzene	108-90-7	0.057_B	9.7_A
U038	Chlorobenzilate	Table D	Chlorobenzilate	510-15-6	0*10_B	NA
U039	p-Chloro-m-cresol	NA	p-Chloro-m-cresol	59-50-7	0.018_B	34._A
U043	Vinyl chloride	NA	Vinyl chloride	75-01-4	0*27_B	33._A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U044	Chloroform	NA	Chloroform	67-66-3	0.046_B	5.6_A
U045	Chloromethane (Methyl chloride)	NA	Chloromethane (Methyl chloride)	74-87-3	0.019_B	33.2_A
U047	2-Chloro-naphthalene	NA	2-Chloro-naphthalene	91-58-7	0.055_B	5.6_A
U048	2-Chloro-phenol	NA	2-Chloro-phenol	95-57-8	0.044_B	5.7_A
U050	Chrysene	NA	Chrysene	218-01-9	0.059_B	5.2_A
U051	Creosote	Table A	Naphthalene Pentachloro-phenol	91-20-3	0.031	5.5_A
			Phenanthrene	85-01-8	0.031	7.4_A
			Pyrene	129-00-0	0.028	5.5_A
			Toluene	108-88-3	0.028	33.2_A
			Xylenes (Total)		0.032	NA
			Lead	7439-92-1	0.037	NA
U052	Creosols (Creasylic acid)	NA	o-Cresol	95-48-7	0.011_B	5.6_A
			Creosols (m- and p-isomers)		0.077_B	3.2_A
U057	Cyclohexanone	Table D	Cyclohexanone	108-94-1	0.36	NA
U060	DDD	NA	o,p'-DDD	53-19-0	0.023_B	0.087_A
			p,p'-DDD	72-54-8	0.023_B	0.087_A
U061	DDT	NA	o,p'-DDT	789-02-6	0.039_B	0.087_A
			p,p'-DDT	50-29-3	0.039_B	0.087_A
			o,p'-DDD	53-19-0	0.023_B	0.087_A
			p,p'-DDD	72-54-8	0.023_B	0.087_A
			o,p'-DDE	3424-82-6	0.031_B	0.087_A
			p,p'-DDE	72-55-9	0.031_B	0.087_A
U063	Dibenzo(a,h)anthracene	NA	Dibenzo(a,h)anthracene	53-70-3	0.055_B	5.2_A
U066	1,2-Dibromo-3-chloropropane	NA	1,2-Dibromo-3-chloropropane	96-12-8	0.011_B	5.5_A
U067	1,2-Dibromoethane (Ethylene dibromide)	NA	1,2-Dibromoethane (Ethylene dibromide)	106-93-4	0.028_B	5.5_A
U068	Dibromoethane	NA	Dibromoethane	74-95-3	0.011_B	15.2_A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U069	Di-n-butyl phthalate	NA	Di-n-butyl phthalate	84-74-2	0.057_A	28.2_A
U070	o-Dichlorobenzene	NA	o-Dichlorobenzene	95-50-1	0.088_B	5.2_A
U071	m-Dichlorobenzene	NA	m-Dichlorobenzene	541-73-1	0.036	6.2_A
U072	p-Dichlorobenzene	NA	p-Dichlorobenzene	104-46-7	0.090_B	5.2_A
U075	Dichlorodifluoromethane	NA	Dichlorodifluoromethane	75-71-8	0.023_B	7.2_A
U076	1,1-Dichloroethane	NA	1,1-Dichloroethane	75-34-3	0.059_B	7.2_A
U077	1,2-Dichloroethane	NA	1,2-Dichloroethane	107-06-2	0.021_B	7.2_A
U078	1,1-Dichloroethylene	NA	1,1-Dichloroethylene	75-35-4	0.025_B	33.2_A
U079	1,2-Dichloroethylene	NA	trans-1,2-Dichloroethylene	156-60-5	0.054_B	33.2_A
U080	Methylene chloride	NA	Methylene chloride	75-08-2	0.089_B	33.2_A
U081	2,4-Dichlorophenol	NA	2,4-Dichlorophenol	120-83-2	0.044_B	14.2_A
U082	2,6-Dichlorophenol	NA	2,6-Dichlorophenol	87-65-0	0.044_B	14.2_A
U083	1,2-Dichloropropane	NA	1,2-Dichloropropane	78-87-5	0.05_B	18.2_A
U084	1,3-Dichloropropene	NA	cis-1,3-Dichloropropene	10061-01-0	0.036_B	18.2_A
			trans-1,3-Dichloropropene	10061-02-0	0.036_B	18.2_A
U088	Diethyl phthalate	NA	Diethyl phthalate	84-66-2	0.2	28.2_A
U093	p-Dimethylaminobenzene	Table D	p-Dimethylaminobenzene	60-11-7	0.13_B	NA
U101	2,4-Dimethylphenol	NA	2,4-Dimethylphenol	105-67-9	0.036_B	14.2_A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U102	Dimethyl phthalate	NA	Dimethyl phthalate	131-11-3	0.047	28. NA
U105	2,4-Dinitro-toluene	NA	2,4-Dinitro-toluene	121-14-2	0.32 NE	140. NA
U106	2,6-Dinitro-toluene	NA	2,6-Dinitro-toluene	606-20-2	0.55 NE	28. NA
U107	Di-n-octyl phthalate	NA	Di-n-octyl phthalate	117-84-0	0.017	28. NA
U108	1,4-Dioxane	NA	1,4-Dioxane	123-91-1	0.12 NE	170. NA
U111	Di-n-propyl-nitrosoamine	NA	Di-n-propyl-nitrosoamine	621-64-7	0.40 NE	14. NA
U112	Ethyl acetate	NA	Ethyl acetate	141-78-6	0.34 NE	33. NA
U117	Ethyl ether	NA	Ethyl ether	60-29-7	0.12 NE	160. NA
U118	Ethyl methacrylate	NA	Ethyl methacrylate	97-63-2	0.14 NE	160. NA
U120	Fluoranthene	NA	Fluoranthene	206-44-0	0.068 NE	8.2 NA
U121	Trichloro-monofluoro-methane	NA	Trichloro-monofluoro-methane	75-69-4	0.020 NE	33. NA
U127	Hexachloro-benzene	NA	Hexachloro-benzene	118-74-1	0.055 NE	37. NA
U128	Hexachloro-butadiene	NA	Hexachloro-butadiene	87-68-3	0.055 NE	28. NA
U129	Lindane	NA	alpha-BHC beta-BHC Delta-BHC gamma-BHC (Lindane)	319-84-0, 00014 NE 319-85-70, 00014 NE 319-86-8 0.023 NE 58-89-9 0.0017 NE	0.966 NA 0.966 NA 0.966 NA 0.966 NA	
U130	Hexachloro-cyclopentadiene	NA	Hexachloro-cyclopentadiene	77-47-7	0.057 NE	3.6 NA
U131	Hexachloro-ethane	NA	Hexachloro-ethane	67-72-1	0.055 NE	28. NA
U134	Hydrogen fluoride	Table D	Fluoride	16964-48-8	35.	NA
U136	Caodylic acid	Table A	Arsenic acid	7440-38-2	0.79	NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U137	Indeno-(1,2,3-c,d)-pyrene	NA	Indeno(1,2,3-c,d)pyrene	193-39-50, 0055 NE	8.2 NA
U138	Iodomethane	NA	Iodomethane	74-88-4	0.19 NE
U140	Isobutyl alcohol	NA	Isobutyl alcohol	78-83-1	5.6
U141	Isoaafrole	NA	Isoaafrole	120-58-1	0.081
U142	Kepone	NA	Kepone	143-50-8	0.0011
U144	Lead acetate	Table A	Lead	7439-92-1	0.040
U145	Lead phosphate	Table A	Lead	7439-92-1	0.040
U146	Lead sub-acetate	Table A	Lead	7439-92-1	0.040
U151	Mercury	Tables A & D	Mercury	7439-97-6	0.030
U152	Methacrylonitrile	NA	Methacrylonitrile	126-98-7	0.24 NE
U154	Methanol	NA	Methanol	67-56-1	5.6
U155	Methapyrene	NA	Methapyrene	91-80-5	0.081
U157	3-Methylcholanthrene	NA	3-Methylcholanthrene	56-49-5	0.0055 NE
U158	4,4'-Methylenbis(2-chloroaniline)	NA	Methylenbis(2-chloroaniline)	101-14-4	0.50 NE
U159	Methyl ethyl ketone	NA	Methyl ethyl ketone	78-93-3	0.28
U161	Methyl isobutyl ketone	NA	Methyl isobutyl ketone	108-10-1	0.14
U162	Methyl methacrylate	NA	Methyl methacrylate	80-62-6	0.14
U165	Naphthalene	NA	Naphthalene	91-20-3	0.059 NE
U168	2-Naphthylamine	Table D	2-Naphthylamine	91-59-8	0.52 NE
U169	Nitrobenzene	NA	Nitrobenzene	98-95-3	0.068 NE
U170	4-Nitrophenol	NA	4-Nitrophenol	100-02-7	0.12 NE

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R Reserved.

NA Not Applicable.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728. Table D Technology-Based Standards by RCRA Waste Code

Waste Codes	See Also	CAS No.	Technology Code, Waste-waters	Technology Code, Non-waste-waters	Waste Descriptions and/or Treatment Subcategory
D001	Tables A & B	NA	DEACT, and meet F039; or FSUBS; or RORGS; or INCIN	DEACT, and meet F039; or FSUBS; or RORGS; or INCIN	All descriptions based on 35 Ill. Adm. Code 721.121, except for the High TOC subcategory, managed in CWA, CWA-equivalent, or non-Class I SDWA systems
D001	NA	NA	DEACT	DEACT	All descriptions based on 35 Ill. Adm. Code 721.121, except for the Section 261.121(a)(1) High TOC subcategory, managed in CWA, CWA-equivalent, or Class I SDWA systems
D001	NA	NA	FSUBS; RORGS; or INCIN	NA	All descriptions based on 35 Ill. Adm. Code 721.121(a)(1)-High TOC Ignitable Liquids Subcategory--Greater than or equal to 10% total organic carbon
D002	Tables A & B	NA	DEACT and meet F039	DEACT and meet F039	Acid, alkaline, and other subcategory based on 35 Ill. Adm. Code 721.122 managed in non-CWA/non-CWA-equivalent/non-Class I SDWA systems
D002	NA	NA	DEACT	DEACT	Acid, alkaline, and other subcategory based on 35 Ill. Adm. Code 721.122 managed in CWA, CWA-equivalent, or Class I SDWA systems

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D003	NA	NA	DEACT (may not be deleted but not in-cluding dilution as a substitute for adequate treatment)	DEACT (may not be deleted but not in-cluding dilution as a substitute for adequate treatment)	Reactive sulfides based on 35 Ill. Adm. Code 721.123(a)(5)
D003	NA	NA	DEACT	DEACT	Explosives based on 35 Ill. Adm. Code 721.123(a)(6), (7) and (8)
D003	NA	NA	DEACT	DEACT	Water reactives based on 35 Ill. Adm. Code 721.123(a)(2), (3) and (4)
D003	NA	NA	DEACT	DEACT	Other reactives based on 35 Ill. Adm. Code 721.123(a)(1)
D006	NA	7440-43-9	NA	R THERM	Cadmium-containing batteries
D008	NA	7439-892-1	NA	R LEAD	Lead acid batteries (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180).)
D009	Tables A & B	7439-897-6	NA	IMERC; or RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--contains mercury and organics (and are not incinerator residues))
D009	Tables A & B	7439-897-6	NA	RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--inorganics (including incinerator residues and residues from RMERC))

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D012	Table B	72-20-8	BIODG; or INCIN	NA	Endrin
D013	Table B	58-89-9	CARBN; or INCIN	NA	Lindane
D014	Table B	72-43-65	WETOX; or INCIN	NA	Methoxychlor
D015	Table B	8001-35-1	BIODG; or INCIN	NA	Toxaphene
D016	Table B	94-75-7	CHOXD; BIODG; or INCIN	NA	2,4-D
D017	Table B	93-72-1	CHOXD; or INCIN	NA	2,4,5-TP
F005	Tables A & B	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
F005	Tables A & B	110-80-5	BIODG; or INCIN	INCIN	2-Ethoxyethanol
F024	Tables A & B	NA	INCIN	INCIN	-----
K025	NA	NA	LLEXT fb SSSTRIP fb CARBN; or INCIN	INCIN	Distillation bottoms from the production of nitrobenzene by the nitration of benzene
K026	NA	NA	INCIN	INCIN	Stripping still tails from the production of methyl ethyl pyridines
K027	NA	NA	CARBN; or INCIN	FSUBS; or INCIN	Centrifuge and distillation residues from toluene di- isocyanate production
K039	NA	NA	CARBN; or INCIN	FSUBS; or INCIN	Filter cake from the filtration of diethyl- phosphorodithioic acid in the production of phor- ate
K044	NA	NA	DEACT	DEACT	Wastewater treatment sludges from the manu- facturing and processing of explosives
K045	NA	NA	DEACT	DEACT	Spent carbon from the treatment of wastewater containing explosives

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K047	<u>NA</u>	NA	DEACT	DEACT	Pink/red water from TMT operations
K061	<u>Table-B</u>	NA	NA	NIDBR	Emission-control dust/sludge from the primary production of steel in electric furnace (High fine Subcategory—greater than or equal to 15% total zinc)
K069	<u>Tables A & B</u>	NA	NA	RLEAD	Emission control dust/sludge from secondary lead smelting: Non-Calcium Sulfate Sub-category
K106	<u>Tables A & B</u>	NA	NA	RMERC	Wastewater treatment sludge from the mercury cell process in chlorine production: (High Mercury Subcategory—greater than or equal to 260 mg/kg total mercury)
K107	<u>NA</u>	NA	INCIN; or CHOXD fb; CAREN; or BIODG fb CARN	INCIN.	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides
K108	<u>NA</u>	NA	INCIN; or CHOXD fb; CAREN; or BIODG fb CARN	INCIN.	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides
K109	<u>NA</u>	NA	INCIN; or CHOXD fb; CAREN; or BIODG fb CARN	INCIN.	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides
K110	<u>NA</u>	NA	INCIN; or CHOXD fb; CAREN; or BIODG fb CARN	INCIN.	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K112	<u>NA</u>	NA	INCIN; or CHOXD fb, CARN; or BIODG fb CARN	INCIN.	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene
K113	<u>NA</u>	NA	CARN; or INCIN	FSUBS; or INCIN	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of di- nitrotoluene
K114	<u>NA</u>	NA	CARN; or INCIN	FSUBS; or INCIN	Vicinals from the purification of tol- uenediamine in the production of toluenedi- amine via hydrogenation of dinitrotoluene
K115	<u>NA</u>	NA	CARN; or INCIN	FSUBS; or INCIN	Heavy ends from the purification of toluenediamine in the production of tol- uenediamine via hydrogenation of di- nitrotoluene
K116	<u>NA</u>	NA	CARN; or INCIN	FSUBS; or INCIN	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine
K123	<u>NA</u>	NA	INCIN; or CHOXD fb (BIODG or CARN)	INCIN.	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebis- dithiocarbamic acid and its salts
K124	<u>NA</u>	NA	INCIN; or CHOXD fb (BIODG or CARN)	INCIN.	Reactor vent scrubber water from the production of ethylenebisdi- thiocarbamic acid and its salts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K125	<u>NA</u>	NA	INCIN; or CHOXD fb (BIODG or CARN)	INCIN.	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdi- thiocarbamic acid and its salts
K126	<u>NA</u>	NA	INCIN; or CHOXD fb (BIODG or CARN)	INCIN.	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylene bisdithiocarbamic acid and its salts
P001	<u>NA</u>	81-81-2	(WETOX or CHOXD) fb CARN; or INCIN	FSUBS; or INCIN	Warfarin (>0.3%)
P002	<u>NA</u>	591-08-2	(WETOX or CHOXD) fb CARN; or INCIN	INCIN	1-Acetyl-2-thiourea
P003	<u>NA</u>	107-02-8	(WETOX or CHOXD) fb CARN; or INCIN INGINNA	FSUBS; or INCIN	Acrolein
P005	<u>NA</u>	107-18-6	(WETOX or CHOXD) fb CARN; or INCIN	FSUBS; or INCIN	Allyl alcohol
P006	<u>NA</u>	20859-73-8	CHOXD; or CHRED; or INCIN	CHOXD; or CHRED; or INCIN	Aluminum phosphide
P007	<u>NA</u>	2763-96-4	(WETOX or CHOXD) fb CARN; or INCIN	INCIN	5-Aminoethyl 3- isoxazolol
P008	<u>NA</u>	504-24-5	(WETOX or CHOXD) fb CARN; or INCIN	INCIN	4-Aminopyridine
P009	<u>NA</u>	131-74-8	CHOXD; CHRED; CARN; or BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Ammonium picrate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P014	NA	108-95-5	(WETOX or CHOXD) fb INCIN	INCIN	Thiophenol (Benzene thiol)	P040	NA	297-97-2	CARBEN; or FSUBS; or INCIN	O, O-Diethyl O-pyrazinyl phosphorothioate
P015	NA	7440-41-7	ARMETTL or RTHRM	RMETTL; or RTHRM	Beryllium dust	P041	NA	311-45-5	CARBEN; or FSUBS; or INCIN	Diethyl-p-nitrophenyl phosphate
P016	NA	542-88-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Bis(chloromethyl)ether	P042	NA	51-43-4	(WETOX or CHOXD) fb CAREN; or INCIN	Epinephrine
P017	NA	598-31-2	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Bromacetone	P043	NA	55-91-4	CARBEN; or FSUBS; or INCIN	Diisopropylfluorophosphate (DFP)
P018	NA	357-57-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Brucine	P044	NA	60-51-5	CARBEN; or FSUBS; or INCIN	Dimethoate
P022	Table B	75-15-0	NA	INCIN	Carbon disulfide	P045	NA	39196-18-4	(WETOX or CHOXD) fb CAREN; or INCIN	Thiofanox
P023	NA	107-20-0	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Chloroacetaldehyde	P046	NA	122-09-8	(WETOX or CHOXD) fb CAREN; or INCIN	alpha, alpha-Dimethyl-phenethylamine
P026	NA	5344-82-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	1-(o-Chlorophenyl)thio-urea	P047	NA	534-52-1	(WETOX or CHOXD) fb CAREN; or INCIN	4,6-Dinitro-o-cresol salts
P027	NA	542-76-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	3-Chloropropionitrile	P049	NA	541-53-7	(WETOX or CHOXD) fb CAREN; or INCIN	2,4-Dithiobiuret
P028	NA	100-44-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Benzyl chloride	P054	NA	151-56-4	(WETOX or CHOXD) fb CAREN; or INCIN	Aziridine
P031	NA	460-19-5	CHOXD; or WETOX; or INCIN	CHOXD; or WETOX; or INCIN	Cyanogen	P056	Table B	7782-41-4	NA	ADGAS fb NEUTR
P033	NA	506-77-4	CHOXD; or WETOX; or INCIN	CHOXD; or WETOX; or INCIN	Cyanogen chloride	P057	NA	640-19-7	(WETOX or CHOXD) fb CAREN; or INCIN	Fluoroacetamide
P034	NA	131-89-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	2-Cyclohexyl-4,6-di-nitrophenol	P058	NA	62-74-8	(WETOX or CHOXD) fb CAREN; or INCIN	Fluoroacetic acid, sodium salt
						P062	NA	757-58-4	CARBEN; or FSUBS; or INCIN	Hexaethyltetraphosphate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P040	NA	297-97-2	CARBEN; or FSUBS; or INCIN	INCIN	O, O-Diethyl O-pyrazinyl phosphorothioate
P041	NA	311-45-5	CARBEN; or FSUBS; or INCIN	INCIN	Diethyl-p-nitrophenyl phosphate
P042	NA	51-43-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Epinephrine
P043	NA	55-91-4	CARBEN; or FSUBS; or INCIN	INCIN	Diisopropylfluorophosphate (DFP)
P044	NA	60-51-5	CARBEN; or FSUBS; or INCIN	INCIN	Dimethoate
P045	NA	39196-18-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Thiofanox
P046	NA	122-09-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	alpha, alpha-Dimethyl-phenethylamine
P047	NA	534-52-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	4,6-Dinitro-o-cresol salts
P049	NA	541-53-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	2,4-Dithiobiuret
P054	NA	151-56-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Aziridine
P056	Table B	7782-41-4	NA	ADGAS fb NEUTR	Fluorine
P057	NA	640-19-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Fluoroacetamide
P058	NA	62-74-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Fluoroacetic acid, sodium salt
P062	NA	757-58-4	CARBEN; or FSUBS; or INCIN	INCIN	Hexaethyltetraphosphate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P064	NA	624-83-9	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Isocyanic acid, ethyl ester
P065	Tables A & B	628-86-4	NA	RMERC	Mercury fulminate: (All High Mercury Sub-category--greater than or equal to 260 mg/kg total Mercury--either incinerator residues or residues from RMERC)
P065	Tables A & B	628-86-4	NA	IMERC	Mercury fulminate: (All nonwastewaters that are not incinerator residues or are not residues from RMERC; regardless of Mercury Content)
P066	NA	16752-77-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Methomyl
P067	NA	75-55-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	2-Methylaziridine
P068	NA	60-34-4	CHOXD; CH-RED; CAREN; BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Methyl hydrazine
P069	NA	75-86-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Methylacetonitrile
P070	NA	116-06-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Aldicarb
P072	NA	86-88-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	1-Naphthyl-2-thiourea
P075	NA	54-11-5*	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Nicotine and salts
P076	NA	10102-43-9	ADGAS	ADGAS	Nitric oxide

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P078	NA	10102-44-0	ADGAS	ADGAS	Nitrogen dioxide
P081	NA	55-63-0	CHOXD; CH-RED; CAREN; BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Nitroglycerin
P082	Table B	652-75-9	NA	INCIN	N-Nitrosodimethylamine
P084	NA	4549-40-0	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	N-Nitrosomethylvinylamine
P085	NA	152-16-9	CAREN; or INCIN	FSUBS; or INCIN	Octamethylpyrophosphoramide
P087	NA	20816-12-0	NARMETL; or RTHRM	RMETL; or RTHRM	Osmium tetroxide
P088	NA	145-73-3	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Endothall
P092	Tables A & B	62-38-4	NA	RMERC	Phenyl mercury acetate: (High Mercury Sub-category--greater than or equal to 260 mg/kg total Mercury--either incinerator residues or residues from RMERC)
P092	Tables A & B	62-38-4	NA	IMERC; or RMERC	Phenyl mercury acetate: (All nonwastewaters that are not incinerator residues and are not residues from RMERC; regardless of Mercury Content)
P093	NA	103-85-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Phenylthiourea
P095	NA	75-44-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Phosgene
P096	NA	7803-51-2	CHOXD; CH-RED; or INCIN	CHOXD; CH-RED; or INCIN	Phosphine

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P102	NA	107-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Propargyl alcohol
P105	NA	26628-22-8	CHOXD; CH- RED; CARBN BIODG; or INCIN	FSUBS; CH- RED; OXD; CHRED; or INCIN	Sodium azide
P108	NA	57-24-9* <u>A</u>	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Strychnine and salts
P109	NA	3689-24-5	CARBN; or INCIN	FSUBS; or INCIN	Tetraethylthiopyro- phosphate
P112	NA	509-14-8	CHOXD; CH- RED; CARBN; BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Tetranitromethane
P113	Table B	1314-32-5	NA	RTHRM; or STABL	Thallic oxide
P115	Table B	7446-18-6	NA	RTHRM; or STABL	Thallium (I) sulfate
P116	NA	79-19-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiosemicarbazide
P118	NA	75-70-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Trichloromethanethiol
P119	Table B	7803-55-6	NA	STABL	Ammonium vanadate
P120	Table B	1314-62-1	NA	STABL	Vanadium pentoxide
P122	NA	1314-84-7	CHOXD; CH- RED; or INCIN	CHOXD; CH- RED; or INCIN	Zinc Phosphide ($\leq 10\%$)
U001	NA	75-07-0	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Acetaldehyde
U003	Table B	75-05-8	NA	INCIN	Acetonitrile

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U006	NA	75-36-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Acetyl chloride
U007	NA	79-06-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Acrylamide
U008	NA	79-10-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Acrylic acid
U010	NA	50-07-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Mitomycin C
U011	NA	61-82-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Amitrole
U014	NA	492-80-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Auramine
U015	NA	115-02-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Azaserine
U016	NA	225-51-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Benz(c)acridine
U017	NA	98-87-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzal chloride
U020	NA	98-09-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzenesulfonyl chloride
U021	NA	92-87-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzidine

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U023	NA	98-07-7	CHOXD; CH- RED; CAREN; or BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Benzotrichloride
U026	NA	494-03-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Chlornaphazin
U033	NA	353-50-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Carbonyl fluoride
U034	NA	75-87-6	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Trichloroacetaldehyde (Chloral)
U035	NA	305-03-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Chlorambucil
U038	Table B	510-15-6	NA	INCIN	Chlorobenzilate
U041	NA	106-89-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	1-Chloro-2,3-epoxy- propane (Epichloro- hydrin)
U042	Table B	110-75-8	NA	INCIN	2-Chloroethyl vinyl ether
U046	NA	107-30-2	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Chloromethyl methyl ether
U049	NA	3165-93-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	4-Chloro-o-toluidine hydrochloride
U053	NA	4170-30-3	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Crotonaldehyde
U055	NA	98-82-8	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Cumene

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U056	NA	110-82-7	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Cyclohexane
U057	Table B	108-94-1	NA	FSUBS; or INCIN	Cyclohexanone
U058	NA	50-18-0	CAREN; or INCIN	FSUBS; or INCIN	Cyclophosphamide
U059	NA	20830-81-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Daunomycin
U062	NA	2303-16-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Diallylate
U064	NA	189-55-9	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	1,2,7,8-Dibenzopyrene
U073	NA	91-94-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	3,3'-Dichlorobenzidine
U074	NA	1476-11-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	cis-1,4-Dichloro-2-bu- tene; trans-1,4-Di- chloro-2-butene
U085	NA	1464-53-5	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	1,2:3,4-Diepoxybutane
U086	NA	1615-80-1	CHOXD; CHRED; CAREN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	N,N-Diethylhydrazine
U087	NA	3288-58-2	CAREN; or INCIN	FSUBS; or INCIN	O,O-Diethyl S-methyl- dithiophosphate
U089	NA	56-53-1	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Diethyl stilbestrol

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U090	NA	94-58-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Dihydrosafrole	U109	NA	122-66-7	CHOXD; CH- RED; CHRED; or BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	1,2-Diphenylhydrazine
U091	NA	119-90-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Dimethoxybenzidine	U110	NA	142-84-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dipropylamine
U092	NA	124-40-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dimethylamine	U113	NA	140-88-5	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Ethyl acrylate
U093	Table B	621-90-9	NA	INCIN	p-Dimethylaminoazo- benzene	U114	NA	111-54-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethylenebisdithio- carbamic acid
U094	NA	57-97-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	7,12-Dimethylbenz(a)- anthracene	U115	NA	75-21-8	(WETOX or CHOXD) fb CARBN; or INCIN	CHOXD; or INCIN	Ethylene oxide
U095	NA	119-93-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Dimethylbenzidine	U116	NA	96-45-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethylene thiourea
U096	NA	80-15-9	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	alpha, alpha-Dimethyl- benzyl hydroperoxide	U119	NA	62-50-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethyl methanesulfonate
U097	NA	79-44-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dimethylcarbamoyl chlor- ide	U122	NA	50-00-0	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Formaldehyde
U098	NA	57-14-7	CHOXD; CH- RED; CARBN; BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	1,1-Dimethylhydrazine	U123	NA	64-18-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Formic acid
U099	NA	540-73-8	CHOXD; CH- RED; CARBN; BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	1,2-Dimethylhydrazine	U124	NA	110-00-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Furan
U103	NA	77-78-1	CHOXD; CH- RED; CARBN; BIODG; or INCIN	FSUBS; CH- OXD; CHRED; or INCIN	Dimethyl sulfate	U125	NA	98-01-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Furfural

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U126	NA	765-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Glycidaldehyde
U132	NA	70-30-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Hexachlorophene
U133	NA	302-01-2	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Hydrazine
U134	Table B	7664-39-3	NA	ADGAS fb NEUTR; or NEUTR	Hydrogen Fluoride
U135	NA	7783-06-4	CHOXD; CH- RED; or INCIN	CHOXD; CH- RED; or INCIN	Hydrogen Sulfide
U143	NA	303-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Lasiocarpine
U147	NA	108-31-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Maleic anhydride
U148	NA	123-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Maleic hydrazide
U149	NA	109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Malononitrile
U150	NA	148-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Melphalan
U151	Tables A & B	7439-97-6	NA	RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury)
U153	NA	74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methanethiol

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U154	NA	67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Methanol
U156	NA	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methyl chlorocarbonate
U160	NA	1338-23-4	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Methyl ethyl ketone per- oxide
U163	NA	70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Methyl-N'-nitro-N- Nitrosoguanidine
U164	NA	56-04-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methylthiouracil
U166	NA	130-15-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,4-Naphthoquinone
U167	NA	134-32-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Naphthylamine
U168	Table B	91-59-8	NA	INCIN	2-Naphthylamine
U171	NA	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
U173	NA	1116-54-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-diethanolamine
U176	NA	759-73-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N-ethylurea
U177	NA	684-93-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N-methylurea

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U178	<u>NA</u>	615-53-2	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	N-Nitroso-N-methyl- urethane
U182	<u>NA</u>	123-63-7	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Paraldehyde
U184	<u>NA</u>	76-01-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Pentachloroethane
U186	<u>NA</u>	504-60-9	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	1,3-Pentadiene
U189	<u>NA</u>	1314-80-3	CHOXD; CH- RED; or INCIN	CHOXD; CH- RED; or INCIN	Phosphorus sulfide
U191	<u>NA</u>	109-06-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	2-Picoline
U193	<u>NA</u>	1120-71-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	1,3-Propane sultone
U194	<u>NA</u>	107-10-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	n-Propylamine
U197	<u>NA</u>	106-51-4	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	p-Benzquinone
U200	<u>NA</u>	50-55-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Reserpine
U201	<u>NA</u>	108-46-3	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Resorcinol
U202	<u>NA</u>	81-07-2* <u>A</u>	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Saccharin and salts

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U206	<u>NA</u>	18883-66-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Streptozotocin
U213	<u>NA</u>	109-99-9	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Tetrahydrofuran
U214	Table B	563-68-8	NA	RTHRM; or STABL	Thallium (I) acetate
U215	Table B	6533-73-9	NA	RTHRM; or STABL	Thallium (I) carbonate
U216	Table B	7791-12-0	NA	RTHRM; or STABL	Thallium (I) chloride
U217	Table B	10102-45-1	NA	RTHRM; or STABL	Thallium (I) nitrate
U218	<u>NA</u>	62-55-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Thioacetamide
U219	<u>NA</u>	62-56-6	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Thiourea
U221	<u>NA</u>	25376-45-8	CAREN; or INCIN	FSUBS; or INCIN	Toluenediamine
U222	<u>NA</u>	636-21-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	o-Toluidine hydro- chloride
U223	<u>NA</u>	26471-62-5	CAREN; or INCIN	FSUBS; or INCIN	Toluene diisocyanate
U234	<u>NA</u>	99-35-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	sym-Trinitrobenzene
U236	<u>NA</u>	72-57-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Trypan Blue
U237	<u>NA</u>	66-75-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Uracil mustard

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U238	NA	51-79-6	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Ethyl carbamate
U240	NA	94-75-7*	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	2,4-Dichlorophenoxy- acetic acid (salts and esters)
U244	NA	137-26-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Thiram
U246	NA	506-68-3	CHOXD; or WETOX; or INCIN	CHOXD; or WETOX; or INCIN	Cyanogen bromide
U248	NA	81-81-2	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Warfarin (greater than or equal to 0.3% or less)
U249	NA	1314-84-7	CHOXD; CH- RED; or INCIN	CHOXD; CH- RED; or INCIN	Zinc Phosphide (<10%)
U328	NA	95-53-4	INCIN; or CHOXD fb, (BIODG or CAREN); or BIODG fb CAREN	INCIN; or Thermal Destructio n.	o-toluidine
U353	NA	106-49-0	INCIN; or CHOXD fb, (BIODG or CAREN); or BIODG fb CAREN	INCIN; or Thermal Destructio n.	p-toluidine
U359	NA	110-80-5	INCIN; or CHOXD fb, (BIODG or CAREN); or BIODG fb CAREN	INCIN; or FSUBS.	2-ethoxy-ethanol

*A CAS Number given for parent compound only.

**B This waste code exists in gaseous form and is not categorized as wastewater or nonwastewater forms.

NA Not Applicable.

BOARD NOTE: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

is specified in this Table by indicating the five letter technology code that must be applied first, then the designation "fb" (an abbreviation for "Followed by"), then the five letter technology code for the technology that must be applied next, and so on. When more than one technology (or treatment train) are specified a alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "or". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard. See Section 728. Table C for a listing of the technology codes and technology-based treatment standards. Derived from 40 CFR 265.42, Table 2 (1992), as ~~amended~~ amended at 547 Fed. Reg. 22694, June 1, 1990 37273 (Aug. 18, 1992).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728. Table F Alternative Treatment Standards For Hazardous Debris

a) Hazardous debris must be treated by either the standards indicated in this Table or by the waste-specific treatment standards for the waste contaminating the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residuals as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

b) Definitions. For the purposes of this Table, the following terms are defined as follows:

"Clean debris surface" means the surface, when viewed without magnification, shall be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and soil in cracks, crevices, and pits shall be limited to no more than 5% of each square inch of surface area.

"Contaminant restriction" means that the technology is not BDAT for that contaminant. If debris containing a restricted contaminant is treated by the technology, the contaminant must be subsequently treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

"Dioxin-listed wastes" means wastes having any of U.S. EPA Hazardous Waste numbers F020, F021, F022, F023, F026, or F027.

c) Notes. In the Table, the following text is to be read in conjunction with the tabulated text where the appropriate notations appear:

! Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

also react violently with some debris and contaminants, depending on the concentration of the acid and the type of debris and contaminants. Debris treaters should refer to the safety precautions specified in Material Safety Data Sheets for various acids to avoid applying an incompatible acid to a particular debris/contaminant combination. For example, concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

2 If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris has been cleaned and separated from contaminated soil and waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

3 Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

4 The demonstration of "equivalent technology" under Section 728.142(b) must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this table such that residual levels of hazardous contaminants will not pose a hazard to human health and the environment absent management controls.

5 Any soil, waste, and other nondebris material that remains on the debris surface (or remains mixed with the debris) after treatment is considered a treatment residual that must be separated from the debris using, at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a "clean debris surface" as defined in subsection (b) above when separating treated debris from residue; rather, the surface must be free of caked soil, waste, or other nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

Performance or design and
operating standard Contaminant restrictions

Technology description

A. Extraction Technologies:

1. Physical Extraction

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a. Abrasive Blasting: Removal of contaminated debris surface layers using water and/or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads).

Glass, Metal, Plastic, Rubber: Treatment to a clean debris surface. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Removal of at least 0.6 cm of the surface layer; treatment to a clean debris surface.

Same as above

Same as above

b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, saws, or rotating grinding wheels such that contaminated debris surface layers are removed.

Same as above

Same as above

c. Spalling: Drilling or chipping holes at appropriate locations and depth in the contaminated debris surface and applying a tool which exerts a force on the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to the debris treatment standards.

Same as above

Same as above

d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and oscillating energy such that hazardous contaminants or contaminated debris surface layers are removed.

Same as above

Same as above.

e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, residence time, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2. Chemical Extraction

a. Water Washing and Spraying: Application of water sprays or water baths of sufficient temperature, pressure, residence time, agitation, surfactants, acids, bases, and detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers.

Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least 5% by weight in water solution or 5% by weight in emulsion; if debris is contaminated with a dioxin-listed waste,² an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b) must be obtained.⁴

b. Liquid Phase Solvent Extraction: Removal of hazardous contaminants from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution which causes the hazardous contaminants to enter the liquid phase and be flushed away from the debris along with the liquid or liquid solution while using appropriate agitation, temperature, and residence time.¹

Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Same as above, except that contaminant must be soluble to at least 5% by weight in the solvent.

c. Vapor Phase Solvent Extraction: Application of an organic vapor using sufficient agitation, residence time, and temperature to cause hazardous contaminants on contaminated debris surfaces and surface pores to enter the vapor phase and be flushed away with the organic vapor.¹

Same as above.

3. Thermal Extraction

a. High Temperature Metals Recovery: Application of sufficient heat, residence time, mixing, fluxing agents, and/or carbon in a smelting, melting, or refining furnace to separate metals from debris.

b. Thermal Desorption: Heating in an enclosed chamber under either oxidizing or nonoxidizing atmospheres at sufficient temperature and residence time to vaporize hazardous contaminants from contaminated surfaces and to remove the contaminants from the heating chamber in a gaseous exhaust gas.³

B. Destruction Technologies:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

For refining furnaces, treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.

Debris contaminated with a dioxin-listed waste:² Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b).⁴

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b).⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,⁵ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 10 cm (4 inches) in one dimension (i.e., thickness limit),² except that this thickness limit may be waived under the "Equivalent Technology" approval

All Debris: Metals other than mercury.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1. Biological Destruction (Biodegradation): Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic compounds (i.e., contain inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b).⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,³ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm ($\frac{1}{2}$ inch) in one dimension (i.e., thickness limit), except that this thickness limit may be waived under the "Equivalent Technology" approval

2. Chemical Destruction

a. Chemical Oxidation: Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combination of reagents-(1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) peroxides; (6) persulfates; (7) perchlorates; (8) permanganates; and/or (9) other oxidizing reagents of equivalent destruction efficiency. Chemical oxidation specifically includes what is referred to as alkaline chlorination.

All Debris: Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code.142(b);⁴ treated debris must be separated from treatment residuals using simple physical or mechanical means,³ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm ($\frac{1}{2}$ inch) in one dimension (i.e., thickness limit), except that this thickness limit may be waived under the "Equivalent Technology" approval

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

b. Chemical Reduction: Chemical reaction utilizing the following reducing reagents (or waste reagents) or combination of reagents: (1) sulfur dioxide; (2) sodium, potassium, or alkali salts of sulfites, bisulfites, and metabisulfites, and polyethylene glycols (e.g., Napeg and KPEG); (3) sodium hydrosulfide; (4) ferrous salts; and/or (5) other reducing reagents of equivalent efficiency.¹

Same as above

Same as above

Same as above.

3. Thermal Destruction: Treatment in an incinerator operating in accordance with 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O; a boiler or industrial furnace operating in accordance with 35 Ill. Adm. Code 726.Subpart H, or other thermal treatment unit operated in accordance with 35 Ill. Adm. Code 724.Subpart X, or 35 Ill. Adm. Code 725.Subpart P, but excluding for purposes of these debris treatment standards Thermal Desorption units.

Treated debris must be separated from treatment residuals using simple physical or mechanical means,³ and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.

Brick, Concrete, Glass, Metal, Pavement, Rock, Metal: Metals other than mercury, except that there are no metal restrictions for vitrification. Debris contaminated with a dioxin-listed waste.³ Obtain an "Equivalent Technology" approval under 35 Ill. Adm. Code 728.142(b).⁴ except that this requirement does not apply to vitrification.

C. Immobilization

Technologies:

None.

1. Macroencapsulation: Application of surface encapsulate debris and be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2. Microencapsulation: Leachability of the None.
Stabilization of the hazardous contaminants must be reduced.

reagents (or waste reagents) such that leachability of the hazardous contaminants is reduced: (1) Portland cement; or (2) lime/pozzolans (e.g., fly ash and cement kiln dust).
Reagents (e.g., iron salts, silicates, and clays) may be added to enhance the set/cure time and/or compressive strength, or to reduce the leachability of the hazardous constituents.²

3. Sealing: Application of an appropriate material which adheres tightly to the debris surface to avoid exposure of the surface to potential leaching media. When necessary to effectively seal the surface, sealing entails pretreatment of the debris surface to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane compounds, but paint may not be used as a sealant

Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 728. Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract)

The Board incorporates by reference 40 CFR 268, Appendix II (1994²) as amended at 57 Fed. Reg. 37281 (Aug. 18, 1992). This incorporation includes no future editions or amendments.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: RCRA PERMIT PROGRAM

2) Code Citation: 35 Ill. Adm. Code 703

3) Section Numbers: Adopted Action:

703-App. A Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111¹, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

5) Effective Date of Amendments: APR 26 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is cross-referenced. Although the present amendments updated citations to the 1992 Code of Federal Regulations and to the issue of the Federal Register in which certain federal actions appeared, none of these are incorporations of substantive materials by reference.

8) Date filed in Board's principal office: Order adopted March 17, 1994.

9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 419

10) Has JCRR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111¹, par. 1013(c) [415 ILCS 5/13(c)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

11) Differences between proposal and final version:

Communication from staff of JCRR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCRR, U = U.S. EPA, and B = Board):

Section/Location^{Source}

Change (Explanation)

703-App. A (F.1.c., F.4.a.,
F.4.b., G.1.e., G.5.c.,
G.5.d., H.5.c., H.5.d., I.,

corrected spacing after periods

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

J.6.c, J.6.d., L.3., L.4. &
L.5.a.)⁸

703.App. A (F.2.)⁸ added heading not in federal original for clarity

12) Have all the changes agreed upon by the Board and JCRC been made as indicated in the agreement letter issued by JCRC?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRC. However, where JCRC staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRC.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action	Summary
58 Fed. Reg. 8658 (Feb. 16, 1993)	Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions
58 Fed. Reg. 14317 (Mar. 17, 1993)	Amendments to land disposal restrictions for Third Third wastes.
58 Fed. Reg. 26420 (May 3, 1993)	Technical amendments to the used and waste oil management standards
58 Fed. Reg. 28506 (May 14, 1993)	Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris
58 Fed. Reg. 29860 (May 24, 1993)	Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated
58 Fed. Reg. 33341 (June 17, 1993)	Corrections to used and waste oil

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

management standards

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 703 implement the corrective action management unit (CAMU) and temporary unit (TU) rules and make minor corrections. The Board added N. as part of the CAMU and TU amendments. By way of correction, the Board moved the Board Notes explaining the "a" footnote to the end of the Section; restored certain text at B.1.c. omitted from the prior docket, R93-4; restored Notes following B.7.b., G.5.d., I.6., and J.8.c., similarly omitted; added a heading to F.2. for clarity; and corrected spacing as indicated in the answer to question 11, above.

Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Scope and Relation to Other Parts

Purpose

References

Section
703.100
703.101
703.110

SUBPART B: PROHIBITIONS

Prohibitions in General

RCRA Permits

Specific Inclusions in Permit Program

Specific Exclusions from Permit Program

Discharges of Hazardous Waste

Reapplications

Initial Applications

Federal Permits (Repealed)

Section
703.120
703.121
703.122
703.123
703.124
703.125
703.126
703.127

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Purpose and Scope

Permits by Rule

Application by Existing HWM Facilities and Interim Status

Qualifications

Application by New HWM Facilities

Amended Part A Application

Qualifying for Interim Status

Prohibitions During Interim Status

Changes During Interim Status

Interim Status Standards

Grounds for Termination of Interim Status

Permits for Less Than an Entire Facility

Closure by Removal

Procedures for Closure Determination

Section
703.140
703.141
703.150
703.151
703.152
703.153
703.154
703.155
703.156
703.157
703.158
703.159
703.160

SUBPART D: APPLICATIONS

Applications in General

Contents of Part A

Contents of Part B

General Information

Facility Location Information

Groundwater Protection Information

Exposure Information

Solid Waste Management Units

Other Information

Specific Information

Containers

Tank Systems

Surface Impoundments

Waste Piles

Section
703.180
703.181
703.182
703.183
703.184
703.185
703.186
703.187
703.188
703.200
703.201
703.202
703.203
703.204

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Incinerators

Land Treatment

Landfills

Specific Part B Information Requirements for Boilers and

Industrial Furnaces

Miscellaneous Units

Process Vents

Equipment

Drip Pads

703.205
703.206
703.207
703.208
703.209
703.210
703.211
703.212

SUBPART E: SHORT TERM AND PHASED PERMITS

Emergency Permits

Incinerator Conditions Prior to Trial Burn

Incinerator Conditions During Trial Burn

Incinerator Conditions After Trial Burn

Trial Burns for Existing Incinerators

Land Treatment Demonstration

Research, Development and Demonstration Permits

Permits for Boilers and Industrial Furnaces Burning Hazardous

Waste

Section
703.221
703.222
703.223
703.224
703.225
703.226
703.230
703.231
703.232

SUBPART F: PERMIT CONDITIONS OR DENIAL

Permit Denial

Establishing Permit Conditions

Noncompliance Pursuant to Emergency Permit

Monitoring

Notice of Planned Changes

Twenty-four Hour Reporting

Reporting Requirements

Anticipated Noncompliance

Section
703.240
703.241
703.242
703.243
703.244
703.245
703.246
703.247

SUBPART G: CHANGES TO PERMITS

Transfer

Modification

Causes for Modification

Causes for Modification or Reissuance

Facility Siting

Permit Modification at the Request of the Permittee

Class 1 Modifications

Class 2 Modifications

Class 3 Modifications

Section
703.260
703.270
703.271
703.272
703.273
703.280
703.281
703.282
703.283

703. Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 27]].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1993; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 118477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 14492, effective April 16, 1994.

Section 703. Appendix A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

1. Administrative and informational changes.
2. Correction of typographical errors.
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
 - a. To provide for more frequent monitoring, reporting or maintenance.
 - b. Other changes.
5. Schedule of compliance:
 - a. Changes in interim compliance dates, with prior approval of the Agency.

~~BOARD NOTE: "11" indicates that prior Agency approval is required.~~

- 3
- 1*
 - b. Extension of final compliance date.
 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
- 1*

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1 a. To conform with Agency guidance or Board regulations.
- 1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
- 1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
- 2 ed. Other changes.
- 2 2. Changes to analytical quality assurance/control plan:
 - 1 a. To conform with agency guidance or regulations.
 - 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the operating record.
- 2 4. Changes in frequency or content of inspection schedules.
- 2 5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount of training given to employees.
 - 1 b. Other changes.
- 2 6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
 - 1 b. Replacement with functionally equivalent equipment upgrade or relocate emergency equipment listed.
 - 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. COA plan:

- a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.
- b. Other changes.

Note: When a permit modification (such as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

C. Groundwater Protection

1. Changes to wells:
 - a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 1* Changes in point of compliance.
- 2* Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
3. As specified in the groundwater protection standard.
2. As specified in the detection monitoring program.
2. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
 - a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
 - a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
2. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
2. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
3. Creation of a new landfill unit as part of closure.
3. Addition of the following new units to be used temporarily for closure activities:
 - a. Surface impoundments.
 - b. Incinerators.
 - c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - e. Tanks or containers (other than specified below).
 - f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- E. Post-Closure
 1. Changes in name, address or phone number of contact in post-closure plan.
 2. Extension of post-closure care period.
 3. Reduction in the post-closure care period.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

- 1 1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(iii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2 2. Modification of container units without an increased capacity or alteration of the system:
 - 2 a. Modification of a container unit without increasing the capacity of the unit.
 - 1 b. Addition of a roof to a container unit without alteration of the containment system.
 - 3 c. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.
 - 2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
 - 4 4. Storage or treatment of different wastes in containers:
 - 2 a. That require addition of units or change in treatment process or management standards, provided that the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(iii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 1. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- b. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 3 a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 2 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(iii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2 2. Modification of a tank unit or secondary containment system

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within $\pm 10\%$ of the replaced tank provided:

- a. The capacity difference is no more than 1500 gallons,
 b. The facility's permitted tank capacity is not increased and
 c. The replacement tank meets the same conditions in the permit.

- 2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
 2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
 3 2. Replacement of a surface impoundment unit.
 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.
 2 4. Modification of a surface impoundment management practice.
 5. Treatment, storage or disposal of different wastes in surface impoundments:

- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323 and 724.326(d).

7. Changes in response action plan:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 c. Modification of waste pile unit without increasing the capacity of the unit.
- 1 2. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
- 2 3. Modification of a waste pile management practice.
- 2 4. Storage or treatment of different wastes in waste piles:
- 3 a. That require additional or different management practices or different design of the unit.
- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:
 - 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
 - 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), Code incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c) and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3 b. Change in a specific response reducing its frequency or effectiveness.

- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:
- 3 a. That require a change in permit operating conditions or unit design specifications.
- 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

- 3 a. Increase rate or change method of waste application.
- 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

specifications different from permit requirements.

- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
- L. Incinerators, Boilers and Industrial Furnaces
- 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals or particulate from the combustion gases or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

3. a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3. b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2. c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

3. a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2. b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

2

a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

1*

b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

1*

c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1*

d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1

8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit.

M.

Containment Buildings.

1. Modification or addition of containment building units:

3

a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity.

2

b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity.

2

2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.

3.

3. Replacement of a containment building with a containment building that meets the same design standards provided:

1

a. The unit capacity is not increased.

1

b. The replacement containment building meets the same conditions in the permit.

2

4. Modification of a containment building management practice.

5.

5. Storage or treatment of different wastes in containment buildings:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3 a. That require additional or different management practices.
- 2 b. That do not require additional or different management practices

N. Corrective Action.

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1992), as amended at 5B Fed. Reg. 37284-8585, August/February 1992, 1993.

(Source: Amended at _____ Ill. Reg. _____, effective APR 26 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA AND UIC PERMIT PROGRAM
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3) Section Numbers: Adopted Action:
702.110 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, para. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].
- 5) Effective Date of Amendments: APR 26 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is cross-referenced. Although the present amendments updated citations to the 1992 Code of Federal Regulations and to the issue of the Federal Register in which certain federal actions appeared, none of these are incorporations of substantive materials by reference.

- B) Date filed in Board's principal office: Order adopted March 17, 1994.

- 9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 406

- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1013(c) [415 ILCS 5/13(c)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 11) Differences between proposal and final version:

Communication from staff of JCAR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCAR, U = U.S. EPA, and B = Board):

Section/Location^{Source}Change (Explanation)

702.110 "component"^a

corrected misspelling in definition of "component"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

702.110 "Environmental Protection Agency", "EPA" & "U.S. EPA" centralized definitions of "EPA" and "U.S. EPA" into single definition of "Environmental Protection Agency"

702.110 "Environmental Protection Act" corrected ILCS cite

702.110 Board Note (end)^s corrected volume number in Federal Register citation

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, where JCAR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action	Summary
58 Fed. Reg. 8658 (Feb. 16, 1993)	Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions
58 Fed. Reg. 14317 (Mar. 17, 1993)	Amendments to land disposal restrictions for Third Third wastes.
58 Fed. Reg. 26420 (May 3, 1993)	Technical amendments to the used and waste oil management standards
58 Fed. Reg. 28506 (May 14, 1993)	Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

58 Fed. Reg. 29860 (May 24, 1993) Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated

58 Fed. Reg. 33341 (June 17, 1993) Corrections to used and waste oil management standards

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 702 implement the corrective action management unit (CAMU) and temporary unit (TU) rules and make a small number of general updates and corrections. A definition of "corrective action management unit" is added, and the definition of "disposal facility" is amended as part of the CAMU rules. The Board has also, by way of general update and correction, consolidated the definitions of "EPA" and "U.S. EPA" into the definition of "Environmental Protection Agency"; changed all references to "U.S. EPA" in the text of the rules at the definitions of "date of approval by U.S. EPA of the Illinois UIC program" and "Phase II"; updated the Code of Federal Regulations, United States Code, Federal Register and Illinois Revised Statutes (Illinois Compiled Statutes) references at "approved program or approved state", "CWA", "Environmental Protection Act", "interim authorization", "RCRA", and in the end Board Note; and corrected wording or punctuation in the definitions of "component", "hazardous waste management facility", Phase II".

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER 1: POLLUTION CONTROL BOARD
 SUBCHAPTER B: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
 702.101
 702.102
 702.103
 702.104
 702.105
 702.106
 702.107
 702.108
 702.109
 702.110

Applicability
 Purpose and Scope
 Confidentiality
 References
 Rulemaking
 Agency Criteria
 Permit Appeals
 Variances
 Enforcement
 Definitions

SUBPART 8: PERMIT APPLICATIONS

Section
 702.120
 702.121
 702.122
 702.123
 702.124
 702.125
 702.126

Permit Application
 Who Applies
 Completeness
 Information Requirements
 Recordkeeping
 Continuation of Expiring Permits
 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
 702.140
 702.141
 702.142
 702.143
 702.144
 702.145
 702.146
 702.147
 702.148
 702.149
 702.150
 702.151
 702.152
 702.160
 702.161
 702.162
 702.163
 702.164

Conditions Applicable to all Permits
 Duty to Comply
 Duty to Reapply
 Need to Halt or Reduce Activity Not a Defense
 Duty to Mitigate
 Proper Operation and Maintenance
 Permit Actions
 Property Rights
 Duty to Provide Information
 Inspection and Entry
 Monitoring and Records
 Signatory Requirements
 Reporting Requirements
 Establishing Permit Conditions
 Duration of Permits
 Schedules of Compliance
 Alternative Schedules of Compliance
 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
 702.181
 702.182
 702.183
 702.184

Effect of a Permit
 Transfer
 Modification
 Causes for Modification

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

702.185 Facility Siting
 702.186 Revocation
 702.187 Minor Modifications

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111-1/2³, pars. 1013, 1022.4 and 1027) [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 11 Ill. Reg. _____, effective _____.

APR 26 1994

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702.703, 704 and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as to an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program which has been approved or authorized by EPA under 40 CFR 271 (1989) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: U.S. EPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) P.L. 92-500, as amended by P.L. 95-217, and P.L. 95-576; 33 U.S.C. 1251 et seq. (1986).

"Date of approval by U.S. EPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal Facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate or reissue a "permit". A notice of intent to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

deny a permit, as discussed in 35 Ill. Adm. Code 705.141 is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling Mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency Permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Act" means the Environmental Protection Act (Ill. Rev. Stat. 198791, ch. 111-1/2, par. 1001 et seq. [1415 ILCS 5]).

"Environmental Protection Agency" ("EPA" or "U.S. EPA") means the United States Environmental Protection Agency.

~~"EPA" means the United States Environmental Protection Agency."~~

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104 and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances. (See 35 Ill. Adm. Code 700.102 et seq.)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (198492). EPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous Waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" ("HWM facility") means all contiguous land, and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of "hazardous waste". A facility may consist of several "treatment", "storage" or "disposal" operational units (for example, one or more landfills, surface impoundments or combinations of them).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility which is treating, storing or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program which has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR 271 (198492). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" which contains the information required by 35 Ill. Adm. Code 722. Subpart B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. Subpart A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" which began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" which began injection after the UIC program for the State of Illinois applicable to the well is approved.

"Off-site" (RCRA) means any site which is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162) and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 et seq.), UIC authorization by rule (35 Ill. Adm. Code 704.—Subpart C), or any permit which has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit."

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

"Phase I" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase I began on May 17, 1982.

"Phase II" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase II will commence whenever U.S. EPA granted final authorization to the Agency to issue RCRA permits for any class of facility or unit. This occurred on January 31, 1986.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580, as amended by P. L. 95-609, P.L. 96-510, 42 U.S.C. 6901 et seq. (19892)).

"RCRA permit" means a permit required under Section 21(f) of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (Pub. L. 93-523, as amended 42 U.S.C. 300f et seq. (19892)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC Code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical or biological character or composition of any "hazardous waste" so as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground Injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:

Supplies any public water system; or

Contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

Which is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"USEPA" means the United States Environmental Protection Agency.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which is subject to regulation under 35 Ill. Adm. Code 309.Subpart A or 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well (UIC) means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: Derived from 40 CFR 144.3 and 270.2 (19892), as amended at 538 Fed. Reg. 34088-8585 (Feb. 16, 1993), September 27

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1988, and 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at _____ Ill. Reg. _____, effective
APR 26 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: STANDARDS FOR THE MANAGEMENT OF USED OIL

2) Code Citation: 35 Ill. Adm. Code 739

3) Section Numbers: Adopted Action:

739.100, 739.110, 739.111
Amendment
739.112, 739.121, 739.122
Amendment
739.123, 739.124, 739.140
Amendment
739.141, 739.142, 739.143
Amendment
739.145, 739.146, 739.151
Amendment
739.152, 739.154, 739.156
Amendment
739.157, 739.158, 739.160
Amendment
739.162, 739.164, 739.165
Amendment
739.170, 739.171, 739.172
Amendment
739.173, 739.174

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27].

APR 26 1994

5) Effective Date of Amendments:

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is cross-referenced. Although the present amendments updated citations to the 1992 Code of Federal Regulations and to the issue of the Federal Register in which certain federal actions appeared, none of these are incorporations of substantive materials by reference.

8) Date filed in Board's principal office: Order adopted March 17, 1994.

9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 455

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 1114, par. 1013(c) [415 ILCS 5/13(c)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Communication from staff of JCAR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCAR, U = U.S. EPA, and B = Board):

Section/Location^{Source} Change (Explanation)

739.100 "used oil transporter",
739.152(b)(5) Board Note^a corrected spacing after periods
739.110(c)ⁱ changed to follow federal text;
period added
739.124 preamble & Board Note &
739.142(b)(2)^j corrected cross-reference format
739.140(d)(5)ⁱ "Part" capitalized
739.142(a), 739.151(a), 739.162(a)
& 739.173(a)^U later federal amendments added
739.142(b)(1)(A) &
739.151(b)(1)(A)^B phone number corrected
739.142(b)(2)^B Agency contact added parallel to
Sections 739.151(b)(2), 739.162(c)
& 739.173(c)
739.151(b)(1)^B "who" changed to "that"
739.170 Subpart heading^B "SUBPART" capitalized in heading
739.174(a)^{U,i} duplicate reference to "used oil"
deleted
Have all the changes agreed upon by the Board and JCAR been made as
indicated in the agreement letter issued by JCAR?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, where JCAR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

12) Will these amendments replace an emergency amendment currently in effect? No.

13) Are there any other amendments pending on this Part? No.

14) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by US EPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action	Summary
58 Fed. Reg. 8658 (Feb. 16, 1993)	Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions
58 Fed. Reg. 14317 (Mar. 17, 1993)	Amendments to land disposal restrictions for Third Third wastes.
58 Fed. Reg. 26420 (May 3, 1993)	Technical amendments to the used and waste oil management standards
58 Fed. Reg. 28506 (May 14, 1993)	Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris
58 Fed. Reg. 29860 (May 24, 1993)	Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated
58 Fed. Reg. 33341 (June 17, 1993)	Corrections to used and waste oil management standards

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 739 largely resulted from the federal technical amendments and corrections to the used and waste oil regulations. The amendments to Sections 739.110(b)(2), (b)(2)(B), (c), (e)(4), (h), and (i), 739.111 (Note), 739.112(c)(3), 739.121(a), 739.122, 739.123, 739.140(a)(4), 739.142(a) and (b), 739.143(b), 739.145 preamble and (c)(1)(C), 739.151(a), 739.152(b)(6)(H)(iii), 739.154 preamble and (c)(1)(C), 739.162(a), 739.164, 739.173(a), and 739.174(a) resulted from the federal amendments. The Board has further made numerous corrections to the text of the rules adopted in the prior docket, R93-4. The corrective amendments include changing to "U.S. EPA" at Sections 739.110(a) and (b)(1)(B), 739.152(b)(5) (Board Note), and 739.173(b); changing references to regulated entities from references to natural persons to corporate persons and from plural to singular at Sections 739.100 ("used oil transporter"), 739.110(b)(1)(A), (b)(2), and (b)(3), 739.124, 739.140(a), (a)(2), (a)(4), (b), and (d), 739.141 (heading), 739.142(a), 739.143(b), 739.145, 739.146(a)(1), (a)(2), and (a)(5), 739.151, 739.154, 739.156, 739.157, 739.158, 739.160, 739.162, 739.164, 739.155(a)(1) and (a)(3), 739.170, 739.171, 739.172(b), 739.173, and 739.174; correction of spelling, grammar, and spacing at Sections 739.100 ("used oil transporter"), 739.152(b)(6)(i) through (b)(6)(i)(vii), 739.162(b)(2)(A) through (b)(2)(F), and 739.173(b) and (b)(2)(A) through (b)(2)(E); "must" was changed to "shall" at Sections 739.122(d), 739.124, 739.140(d), 739.143, 739.145(h), 739.146(a), (b), and (c), 739.151(a), 739.152(a)(5), (a)(6)(A), (b), and (b)(6)(A)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

through (b)(6)(I), 739.154, 739.156, 739.157, 739.158, 739.160, 739.162, 739.164(g), 739.165(a), 739.170(c), 739.172(b), 739.173(a), and 739.174; erroneously omitted language relating to U.S. EPA identification numbers was restored to Sections 739.124, 739.142(b), 739.143(c)(2), 739.146(b)(2), 739.151(b), 739.156(a)(3), (a)(4), (b)(3), and (b)(4), 739.157(b)(1), 739.162(a), 739.165(a)(3) and (a)(4), 739.171(a), 739.173(a), and 739.174(a)(3) and (a)(4); and previously-omitted language relating to special waste identification numbers was restored to Sections 739.151(b)(2), 739.162(c), and 739.173(c).

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100

Definitions

SUBPART B: APPLICABILITY

Section
739.110
739.111
739.112

Applicability
Used oil specifications
Prohibitions

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120
739.121
739.122
739.123
739.124

Applicability
Hazardous waste mixing
Used oil storage
On-site burning in space heaters
Off-site shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section
739.130
739.131
739.132

Do-it-yourselfer used oil collection centers
Used oil collection centers
Used oil aggregate points owned by the generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section
739.140
739.141
739.142
739.143
739.144
739.145
739.146
739.147

Applicability
Restrictions on transporters ~~whethat~~ are not also processors
Notification
Used oil transportation
Rebuttable presumption for used oil
Used oil storage at transfer facilities
Tracking
Management of residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150
739.151
739.152
739.153
739.154
739.155
739.156
739.157
739.158
739.159

Applicability
Notification
General facility standards
Rebuttable presumption for used oil
Used oil management
Analysis plan
Tracking
Operating record and reporting
Off-site shipments of used oil
Management of residues

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: STANDARDS FOR USED OIL BURNERS ~~WHETHAT~~ BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160
739.161
739.162
739.163
739.164
739.165
739.166
739.167

Applicability
Restriction on burning
Notification
Rebuttable presumption for used oil
Used oil storage
Tracking
Notices
Management of residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170
739.171
739.172
739.173
739.174
739.175

Applicability
Prohibitions
On-specification used oil fuel
Notification
Tracking
Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180
739.181
739.182

Applicability
Disposal
Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]).

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993, amended in R93-16 at 18 Ill. Reg. 20954, effective April 26, 1994.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in 35 Ill. Adm. Code 280.12.

BOARD NOTE: This definition is different from the definition for "Aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks which contain hazardous wastes. The above definition is limited to this Part only.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of the authorized used oil program for the State in which the tank is located. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either:

A continuous on-site installation program has begun, or

The owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.

BOARD NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110.

Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks systems which contain hazardous wastes. The above definition is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

BOARD NOTE: Household 'do-it-yourselfer' used oil is not subject to the State's special waste hauling permit requirements under Part 809.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of the authorized used oil program for the State in which the tank is located.

BOARD NOTE: This definition is similar to the definition given for "New tank system" given in 35 Ill. Adm. Code 720.110.

Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems which contain hazardous wastes. The above definition is limited to this Part only.

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation and re-refining.

"Re-refining distillation bottoms" means the heavy fraction

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Tank" means any stationary device, designed to contain an accumulation of used oil which is constructed primarily of non-earthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C of this Part that bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person that conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F of this part.

"Used oil transporter" means any person that transports used

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

oil, any person ~~who~~ collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. ~~Used oil~~ transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under Parts 702, 703, 720 through 726 and 728.

- a) Used oil. U.S. EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

- b) Mixtures of used oil and hazardous waste.

- 1) Listed hazardous waste.

- A) MA mixtures of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D ~~are~~ is subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728, rather than as used oil under this Part.

- B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition II, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). U.S. EPA Publication SW-846, Third Edition, is available for the cost of \$110.00 from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

number 955-001-00000-1).

- i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- 2) Characteristic hazardous waste. MA mixtures of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C ~~are~~ is subject to:

- A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726 and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or
- B) Except as provided in subsection (b)(2)(C) of this Section, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.
- C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability and is not listed in 35 Ill. Adm. Code 721.Subpart D (e.g., mineral spirits), provided that the mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.
- 3) Conditionally exempt small quantity generator hazardous waste. MA mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 ~~are~~ is subject to regulation as used oil under this Part.

- c) ~~Mixtures of materials containing or otherwise contaminated with used oil with non-hazardous waste.~~ ~~Mixtures of used oil~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~and non-hazardous solid waste are subject to regulation as used oil under this Part.~~

- 1) Except as provided in subsection (c)(2) of this Section, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material.

A) Is not used oil, and thus, it is not subject to this Part, and

B) If applicable, is subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 705, 720 through 726, and 728.

- 2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.

3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

d) Mixtures of used oil with products.

- 1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

e) Materials derived from used oil.

- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

A) Not used oil and thus are not subject to this Part, and

B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726 and 728 as provided in 35 Ill. Adm. Code 721.103(c)(2)(A).

- 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A) Not used oil and thus are not subject to this Part, and

B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 if the materials are listed or identified as hazardous waste.

- 4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are +

A) ~~Not subject to this Part at this time, and~~

B) ~~Not subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726 and 728 at this time.~~

f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

g) Used oil introduced into crude oil or natural gas pipelines. Used oil that is placed directly into a crude oil or natural gas pipeline is subject to the management standards of this Part only prior to the point of introduction to the pipeline. Once the used oil is introduced to the pipeline, the material is exempt from the requirements of this Part.

h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

A) ~~PCB-contaminated used oil. PCB-containing used oil regulated by 35 Ill. Adm. Code 761 is exempt from regulation under this Part.~~

B) ~~This Section is adopted to maintain correlation with the Federal regulations.~~

i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets used oil containing any quantifiable level of PCBs is subject to the requirements of 40 CFR 761.20(e).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994.)

Section 739.111 Used oil specifications

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this Part unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specification and the person making that showing complies with Sections 739.172, 739.173, and 739.174(b), the used oil is no longer subject to this Part.

Table 1-Used Oil Not Exceeding Any Specification Level Is Not Subject to this Part When Burned for Energy Recovery.

Constituent/property	Allowable level
Arsenic	5 ppm maximum.
Cadmium	2 ppm maximum.
Chromium	10 ppm maximum.
Lead	100 ppm maximum.
Flash point	100 °F minimum.
Total halogens	4,000 ppm maximum ² .

FOOTNOTE: ¹ The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see Section 739.110(b)).

FOOTNOTE: ² Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under Section 739.110(b)(1). Such used oil is subject to 35 Ill. Adm. Code 726.Subpart H rather than this Part when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

NOTE: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.112 Prohibitions

- Surface impoundment prohibition. Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under 35 Ill. Adm. Code 724 or 725.
- Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited, except when such activity takes place in one of the states listed in Section 739.182(c).
- Burning in particular units. Off-specification used oil fuel may be burned for energy recovery in only the following devices:
 - Industrial furnaces identified in 35 Ill. Adm. Code 720.110;
 - Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
- Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
- Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123.

3) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.121 Hazardous waste mixing

- ~~Generators shall not mix hazardous waste with mixtures of used oil and hazardous waste must be managed except as provided in accordance with Section 739.110(b)(2)(B) and (C).~~

- The rebuttable presumption for used oil of Section 739.110(b)(1)(B) applies to used oil managed by generators. Under the rebuttable presumption for used oil of Section 739.110(b)(1)(B), used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste and thus must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils and fluids and certain used oils removed from refrigeration units.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.122 Used oil storage

~~As specified in Section 739.110(f), wastewaters containing "de-minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. Used oil generators are subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.~~

- Storage units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
- 2) Not leaking (no visible leaks).
- c) Labels.
- 1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."
- d) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of Part 280, Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a generator ~~must~~ shall perform the following cleanup steps:
- 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.123 On-site burning in space heaters

~~a) Generators may burn used oil in used oil-fired space heaters provided that:~~

- ~~1a) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;~~
- ~~2b) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and~~
- ~~3c) The combustion gases from the heater are vented to the ambient air.~~

~~b) This section is adopted to maintain correlation with Federal regulations.~~

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.124 Off-site shipments

Except as provided in subsections (a) through (c) of this section, generators

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~must~~ shall ensure that their used oil is transported only by transporters ~~that~~ have obtained a U.S. EPA identification number and an Illinois special waste identification numbers pursuant to 35 Ill. Adm. Code ~~Part~~ 809.

BOARD NOTE: A generator ~~that~~ qualifies for an exemption under Section 739.124(a) through (c) may still be subject to the State's special waste hauling permit requirements under ~~Part~~ 35 Ill. Adm. Code 809.

a) Self-transportation of small amounts to registered collection centers. Generators may transport, without a U.S. EPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:

- 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- 2) The generator transports no more than 55 gallons of used oil at any time; and
- 3) The generator transports the used oil to a used oil collection center that has registered by written notification with the Agency to manage used oil. This notification shall include information sufficient for the Agency to identify, locate and communicate with the facility. The notification shall be submitted on forms provided by the Agency.

b) Self-transportation of small amounts to aggregation points owned by the generator. Generators may transport, without a U.S. EPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site to an aggregation point provided that:

- 1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
- 2) The generator transports no more than 55 gallons of used oil at any time; and
- 3) The generator transports the used oil to an aggregation point that is owned or operated by the same generator.

c) Tolling arrangements. Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA identification number and an Illinois special waste identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:

- 1) The type of used oil and the frequency of shipments;
- 2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) That reclaimed oil will be returned to the generator.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994.)

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.140 Applicability

- a) General. Except as provided in subsections (a)(1) through (a)(4) of this Section, this Subpart applies to all used oil transporters. Used oil transporters are persons ~~whethat~~ transport used oil, persons ~~whethat~~ collect used oil from more than one generator and transport the collected oil, and owners and operators of used oil transfer facilities.

- 1) This Subpart does not apply to on-site transportation.

- 2) This Subpart does not apply to generators ~~whethat~~ transport shipments of used oil totalling 55 gallons or less from the generator to a used oil collection center as specified in Section 739.124(a).

- 3) This Subpart does not apply to generators ~~whethat~~ transport shipments of used oil totalling 55 gallons or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in Section 739.124(b).

- 4) This Subpart does not apply to transportation of used oil ~~generated by~~ from household do-it-yourselfers ~~from the initial generator to a regulated used oil generator, collection center, aggregation point, processor, or burner subject to the requirements of this Part. Except as provided in subsections (a)(1) through (a)(3) of this Section, this Subpart does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.~~

BOARD NOTE: A generator ~~whethat~~ qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.

- b) Imports and exports. Transporters ~~whethat~~ import used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subpart from the time the used oil enters and until the time it exits the United States.

- c) Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in 35 Ill. Adm. Code 721.107 prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste unless, under the provisions of Section 739.110(b), the hazardous waste and used oil mixture is determined not to be hazardous waste.

- d) Other applicable provisions. Used oil transporters ~~whethat~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

conduct the following activities are also subject to other applicable provisions of this Part as indicated in subsections (d)(1) through (5) of this Section:

- 1) Transporters ~~whethat~~ generate used oil ~~meetshall~~ also comply with Subpart C of this Part;
- 2) Transporters ~~whethat~~ process or re-refine used oil, except as provided in Section 739.141, ~~meetshall~~ also comply with Subpart F of this Part;
- 3) Transporters ~~whethat~~ burn off-specification used oil for energy recovery ~~meetshall~~ also comply with Subpart G of this Part;
- 4) Transporters ~~whethat~~ direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 ~~meetshall~~ also comply with Subpart H of this Part; and
- 5) Transporters ~~whethat~~ dispose of used oil, including the use of used oil as a dust suppressant, ~~meetshall~~ also comply with Subpart I of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994.)

Section 739.141 Restrictions on transporters ~~whethat~~ are not also processors

a) Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in subsection (b) of this Section, used oil transporters may not process used oil unless they also comply with the requirements for processors in Subpart F of this Part.

- b) Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products unless they also comply with the processor requirements in Subpart F of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994.)

Section 739.142 Notification

- a) Identification numbers. ~~WA~~ used oil transporters ~~whethat~~ have not previously complied with the notification requirements of RCRA Section 3010 ~~meetshall~~ comply with these requirements and obtain a U.S. EPA identification number pursuant to RCRA Section 3010 and an Illinois special waste identification number.

- b) Mechanics of notification.

- 1) A used oil transporter that has not received a U.S. EPA identification number may obtain one by notifying U.S. EPA Region V of its used oil activity by submitting either:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A)** A completed U.S. EPA Form 8700-12 (To obtain ordering information for U.S. EPA Form 8700-12 call the RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
- B)** A letter requesting a U.S. EPA identification number. (Call the RCRA/Superfund Hotline to determine where to send a letter requesting a U.S. EPA identification number.) The letter should include the following information:
- The transporter company name;
 - The owner of the transporter company;
 - The mailing address for the transporter;
 - The name and telephone number for the transporter point of contact;
 - The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);
 - The location of all transfer facilities at which used oil is stored;
 - The name and telephone number for a contact at each transfer facility.

- 2)** A used oil transporter that has not received an Illinois special waste identification number may obtain one pursuant to 35 Ill. Adm. Code 4-809 by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.143 Used oil transportation

- a)** Deliveries. A used oil transporter shall deliver all used oil received to:
- Another used oil transporter, provided that the transporter has obtained a U.S. EPA identification number and an Illinois special waste identification number;
 - A used oil processing facility that has obtained a U.S. EPA identification number and an Illinois special waste identification number;
 - An off-specification used oil burner facility that has obtained a U.S. EPA identification number and an Illinois special waste identification number; or
 - An on-specification used oil burner facility.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b)** Shipping U.S. DOT requirements. A used oil transporter shall comply with all applicable packaging, labeling, and placarding requirements under the U.S. Department of Transportation under 49 CFR parts 173.178 and 179 through 180. A person transporting used oil that meets the definition of combustible liquid (flash point below 200 °F but at or greater than 100 °F) or flammable liquid (flash point below 100 °F) a hazardous material in 49 CFR 171.8 is subject to shall comply with all applicable U.S. Department of Transportation Hazardous Materials Regulations in 49 CFR Parts 10071 through 17780.
- c)** Used oil discharges.
- In the event of a discharge of used oil during transportation, the transporter shall take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).
 - If a discharge of used oil occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by a transporter that does not have a U.S. EPA identification number and an Illinois special waste identification number.
 - An air, rail, highway, or water transporter that has discharged used oil shall:
 - Give notice, if required by 49 CFR 171.15 to the National Response Center (800-424-8802 or 202-426-2675); and
 - Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.
 - A water transporter that has discharged used oil shall give notice as required by 33 CFR 153.203.
 - A transporter shall clean up any used oil discharged that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.145 Used oil storage at transfer facilities

As specified in Section 739.143, wastewaters containing de minimus quantities of used oil are not subject to the requirements of this Part. Including the prohibition on storage in units other than tanks or containers, used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil generator transporter are also subject to the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Applicability. This section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.
- b) Storage units. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- c) Condition of units. Containers and aboveground tanks used to store used oil at transfer facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- d) Secondary containment for containers. Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or
 - C) An equivalent secondary containment system.
- e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- g) Labels.
 - 1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- h) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731. Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a owner or operator of a transfer facility must shall perform the following cleanup steps:
 - 1) Stop the release;
 - 2) Contain the released used oil;
 - 3) Clean up and manage properly the released used oil and other materials; and
 - 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 18 Ill. Reg. _____, effective _____) APR 26 1994

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 739.146 Tracking

- a) Acceptance. Used oil transporters ~~must~~ shall keep a record of each used oil shipment accepted for transport. Records for each shipment must include:

- 1) The name and address of the generator, transporter, or processor ~~that~~ provided the used oil for transport;
- 2) The U.S. EPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor ~~that~~ provided the used oil for transport;
- 3) The quantity of used oil accepted;
- 4) The date of acceptance; and
- 5) The signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor ~~that~~ provided the used oil for transport.

- b) Deliveries. Used oil transporters ~~must~~ shall keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include:

- 1) The name and address of the receiving facility or transporter;
- 2) The U.S. EPA identification number and Illinois special waste identification number of the receiving facility or transporter;
- 3) The quantity of used oil delivered;
- 4) The date of delivery;
- 5) The signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

- c) Exports of used oil. Used oil transporters ~~must~~ shall maintain the records described in subsections (b)(1) through (b)(4) of this Section for each shipment of used oil exported to any foreign country.

- d) Record retention. The records described in subsections (a), (b), and (c) of this Section must be maintained for at least three years.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.151 Notification

- a) Identification numbers. ~~WA~~ used oil processors ~~and/or~~ re-refiners

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~whether~~ that have not previously complied with the notification requirements of RCRA Section 3010 ~~must~~ shall and obtain a U.S. EPA identification number pursuant to RCRA Section 3010 and an Illinois special waste identification number.

b) Mechanics of notification.

- 1) A used oil processor or re-refiner ~~whether~~ that has not received an Illinois special waste identification number ~~may obtain one pursuant to 35 Ill. Admin. Code Part 609, a U.S. EPA identification number may obtain one by notifying U.S. EPA Region V of its used oil activity by submitting either:~~

A) ~~A completed U.S. EPA Form 8700-12 (To obtain ordering information for U.S. EPA Form 8700-12 call the RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810), or~~

B) ~~A letter requesting a U.S. EPA identification number. (Call the RCRA/Superfund Hotline to determine where to send a letter requesting a U.S. EPA identification number.) The letter should include the following information:~~

- i) ~~The processor or re-refiner company name;~~
- ii) ~~The owner of the processor or re-refiner company;~~
- iii) ~~The mailing address for the processor or re-refiner;~~
- iv) ~~The name and telephone number for the processor or re-refiner point of contact;~~
- v) ~~The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);~~
- vi) ~~The location of all transfer facilities at which used oil is stored;~~
- vii) ~~The name and telephone number for a contact at each transfer facility.~~

2) ~~A letter requesting a U.S. EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting a U.S. EPA identification number. The letter should include the following information: A used oil processor or re-refiner that has not received an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).~~

A) ~~processor or re-refiner company name;~~

B) ~~Owner of the processor or re-refiner company;~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ~~G) Mailing address for the processor or re-refiner~~
~~B) Name and telephone number for the processor or re-refiner point of contact~~
~~E) Type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only)~~
~~F) Location of the processor or re-refiner facility.~~

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.152 General facility standards

- a) Preparedness and prevention. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:
- 1) Maintenance and operation of facility. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
 - 2) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in subsections (a)(2)(A) through (a)(2)(D) of this Section:
 - A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - B) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
 - C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
 - D) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
 - 3) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
 - 4) Access to communications or alarm system.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (a)(2) of this Section.
- B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a)(2) of this Section.
- 5) Required aisle space. The owner or operator ~~must~~ shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
- 6) Arrangements with local authorities.
 - A) The owner or operator ~~must~~ shall attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:
 - i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
 - ii) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
 - B) Where State or local authorities decline to enter into such arrangements, the owner or operator ~~must~~ shall document the refusal in the operating record.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Contingency plan and emergency procedures. Owners and operators of used oil processors and re-refiners facilities ~~must~~shall comply with the following requirements:

- 1) Purpose and implementation of contingency plan.
 - A) Each owner or operator ~~must~~shall have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
 - B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release or used oil which could threaten human health or the environment.
- 2) Content of contingency plan.
 - A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b)(1) and (b)(6) of this Section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.
 - B) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or 40 CFR 1510, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.
 - C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a)(6) of this Section.
 - D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b)(5) of this Section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

brief outline of its capabilities.

- F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- 3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
 - A) Maintained at the facility; and
 - B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- 4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
 - A) Applicable regulations are revised;
 - B) The plan fails in an emergency;
 - C) The facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
 - D) The list of emergency coordinators changes; or
 - E) The list of emergency equipment changes.
- 5) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator ~~must~~shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: U.S. EPA cited the following as guidance: The emergency coordinator's responsibilities are more fully spelled out in subsection (b)(6) below. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

6) Emergency procedures.

- A) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
- i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - ii) Notify appropriate State or local agencies with designated response roles if their help is needed.
- B) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of facility records of manifests and, if necessary, by chemical analysts.
- C) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).
- D) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:
- i) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
 - ii) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR 1510), or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report must include: Name and telephone number of reporter; Name and address of facility; Time and type of incident (e.g., release, fire); Name and quantity of material(s) involved, to the extent known; The extent of injuries, if any; and The possible hazards to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- human health, or the environment, outside the facility.
- E) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- F) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- G) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.
- H) The emergency coordinator must ensure that, in the affected area(s) of the facility:
- i) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and
 - ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- iii) The owner or operator must notify the Regional Administrator, the Agency, and all other appropriate State and local authorities that the facility is in compliance with subsections (a)(16)(H)(i) and (b)(6)(H)(ii) of this Section before operations are resumed in the affected area(s) of the facility.
- I) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:
- i) The name, address, and telephone number of the owner or operator;
 - ii) The name, address, and telephone number of the facility;
 - iii) The date, time, and type of incident (e.g.,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

fire, explosion);

- iv) The name and quantity of material(s) involved;
- v) The extent of injuries, if any;
- vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- vii) The estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.154 Used oil management

~~As specified in Section 739.110(f), wastewaters containing "de minimus" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers.~~
WA used oil processors ~~are~~is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. WA used oil ~~generators~~processor or re-refiner ~~are~~is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Management units. Used oil processors shall not store ~~excess~~ used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store or process used oil at processing facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

out of the system to the soil, groundwater, or surface water.

- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- e) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- f) Labels.

- 1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil."
- g) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Code 731. Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, a processor ~~must~~shall perform the following cleanup steps:

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Clean up and manage properly the released used oil and other materials; and
- 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

h) Closure.

- 1) Aboveground tanks. Owners and operators ~~whethat~~shall comply with the following requirements:

A) At closure of a tank system, the owner or operator ~~must~~shall remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h)(1)(A) above, then the owner or operator ~~must~~shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).

- 2) Containers. Owners and operators ~~whethat~~shall comply with the following requirements:

A) At closure, containers holding used oils or residues of used oil must be removed from the site;

B) The owner or operator ~~must~~shall remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste 35 Ill. Adm. Code 721.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.156 Tracking

- a) Acceptance. Used oil processors ~~must~~shall keep a record of each

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter ~~whethat~~shall delivered the used oil to the processor;
- 2) The name and address of the generator or processor from whom the used oil was sent for processing;
- 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~shall delivered the used oil to the processor;
- 4) The U.S. EPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;
- 5) The quantity of used oil accepted; and
- 6) The date of acceptance.

b) Deliveries. Used oil processors ~~must~~shall keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:

- 1) The name and address of the transporter ~~whethat~~shall delivers the used oil to the burner, processor or disposal facility;
- 2) The name and address of the burner, processor or disposal facility ~~whethat~~shall will receive the used oil;
- 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~shall delivers the used oil to the burner, processor or disposal facility;
- 4) The U.S. EPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility ~~whethat~~shall will receive the used oil;
- 5) The quantity of used oil shipped;
- 6) The date of shipment.
- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.157 Operating record and reporting

- a) Operating record.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The owner or operator must keep a written operating record at the facility.
- 2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility;
 - A) Records and results of used oil analyses performed as described in the analysis plan required under Section 739.155; and
 - B) Summary reports and details of all incidents that require implementation of the contingency plan as specified in Section 739.152(b).
- b) Reporting. A used oil processor must report to the Regional Administrator, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year;
 - 1) The U.S. EPA identification number and Illinois special waste identification number, name, and address of the processor;
 - 2) The calendar year covered by the report; and
 - 3) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.158 Off-site shipments of used oil

Used oil processors must initiate shipments of used oil off-site must ship the used oil using a used oil transporter must that has obtained an U.S. EPA identification number and Illinois special waste identification number.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

SUBPART G: STANDARDS FOR USED OIL BURNERS WHICH BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

- a) General. The requirements of this Subpart apply to used oil burners except as specified in subsections (a)(1) and (a)(2) of this Section. A used oil burner is a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a). Facilities burning used oil for energy recovery under the following conditions are not subject to this Subpart:
 - 1) The used oil is burned by the generator in an on-site space heater under the provisions of Section 739.123; or
 - 2) The used oil is burned by a processor for purposes of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) processing used oil, which is considered burning incidentally to used oil processing.

Other applicable provisions. Used oil burners must conduct the following activities are also subject to the requirements of other applicable provisions of this Part as indicated below.

 - 1) Burners must generate used oil must also comply with Subpart C of this Part;
 - 2) Burners must transport used oil must also comply with Subpart E of this Part;
 - 3) Except as provided in Section 739.161(b), burners must process or re-refine used oil must also comply with Subpart F of this Part;
 - 4) Burners must direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H of this Part; and
 - 5) Burners must dispose of used oil, including the use of used oil as a dust suppressant, must comply with Subpart I of this Part.
- c) Specification fuel. This Subpart does not apply to persons burning used oil that meets the used oil fuel specification of Section 739.111, provided that the burner complies with the requirements of Subpart H of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.162 Notification

- a) Identification numbers. A used oil burner must have not previously complied with the notification requirements of RCRA Section 3010 and must comply with these requirements and obtain a U.S. EPA identification number pursuant to RCRA Section 3010 and an Illinois special waste identification number.
- b) Mechanics of notification. A used oil burner must has not received an U.S. EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:
 - 1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
 - 2) A letter requesting an EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:
 - A) The burner company name;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) ~~the~~ owner of the burner company;
- C) ~~the~~ mailing address for the burner;
- D) ~~the~~ name and telephone number for the burner point of contact;
- E) ~~the~~ type of used oil activity; and
- F) ~~the~~ location of the burner facility.

C) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).

APR 26 1994

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 739.164 Used oil storage

~~As specified in Section 739.110(f), wastewaters containing "de-minimis" quantities of used oil are not subject to the requirements of this Part, including the prohibition on storage in units other than tanks or containers. A used oil burner is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil generator burner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.~~

- a) Storage units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:
- 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- out of the system to the soil, groundwater, or surface water.
- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for existing aboveground tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - C) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels.

- 1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."
- g) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of 35 Ill. Adm. Code 731. Subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

is located, a burner ~~must~~shall perform the following cleanup steps:

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Clean up and manage properly the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.165 Tracking

- a) Acceptance. Used oil burners ~~must~~shall keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter ~~that~~delivered the used oil to the burner;
- 2) The name and address of the generator or processor from whom the used oil was sent to the burner;
- 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~that~~delivered the used oil to the burner;
- 4) The U.S. EPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;
- 5) The quantity of used oil accepted; and
- 6) The date of acceptance.

- b) Record retention. The records described in subsection (a) of this Section must be maintained for at least three APR 26 1994

(Source: Amended at 18 Ill. Reg. _____, effective _____)

~~Subpart~~PART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

- a) Any person ~~that~~conducts either of the following activities is subject to the requirements of this ~~Section~~Subpart:

- 1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
- 2) First claims that used oil that is to be burned for energy

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

recovery meets the used oil fuel specifications set forth in Section 739.111.

- b) The following persons are not marketers subject to this Subpart:

- 1) Used oil generators, and transporters ~~that~~transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors ~~that~~burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters ~~that~~direct shipments of off-specification used oil to processors ~~that~~burn incidentally used oil are not marketers subject to this Subpart;

- 2) Persons ~~that~~direct shipments of on-specification used oil and ~~that~~are not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.

- c) Any person subject to the requirements of this Subpart ~~must~~shall also comply with one of the following:

- 1) Subpart C of this Part - Standards for Used Oil Generators;
- 2) Subpart E of this Part - Standards for Used Oil Transporters and Transfer Facilities;
- 3) Subpart F of this Part - Standards for Used Oil Processors and Re-refiners; or
- 4) Subpart G of this Part - Standards for Used Oil Burners ~~that~~Burn Off-Specification Used Oil for Energy Recovery.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.171 Prohibitions

A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner ~~that~~is:

- a) Has an U.S. EPA identification number and Illinois special waste identification number; and
- b) Burns the used oil in an industrial furnace or boiler identified in Section 739.161(a).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 739.172 On-specification used oil fuel

- a) Analysis of used oil fuel. A generator, transporter, processor, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of Section 739.111 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. ~~Such used oil that is to be burned for energy recovery is not subject to further regulation under this part.~~

APR 26 1994

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Record retention. A generator, transporter, processor, or burner ~~whethat~~ first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under this Part ~~metshall~~ keep copies of analyses of the used oil (or other information used to make the determination) for three years.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.173 Notification

- a) A used oil fuel marketer subject to the requirements of this Section ~~whethat~~ has not previously complied with the notification requirements of RCRA Section 3010 ~~metshall~~ comply with these requirements and obtain a U.S. EPA identification number pursuant to RCRA Section 3010 and an Illinois special waste identification number.

- b) A used oil marketer ~~whethat~~ has not received an U.S. EPA identification number may obtain one by notifying the Regional Administrator of ~~theits~~ used oil activity by submitting either:

- 1) A completed EPA Form 8700-12; or
- 2) A letter requesting an EPA identification number. The letter should include the following information:
 - A) ~~M~~The marketer company name;
 - B) ~~e~~The owner of the marketer;
 - C) ~~M~~The mailing address for the marketer;
 - D) ~~M~~The name and telephone number for the marketer point of contact; and
 - E) The type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).

- c) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706 (telephone: 217-782-6761).

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

Section 739.174 Tracking

- a) Off-specification used oil delivery. Any used oil generator ~~fuel~~ marketer ~~whethat~~ directs a shipment of off-specification used oil to a burner ~~metshall~~ keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter ~~whethat~~ delivers the used oil to the burner;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) The name and address of the burner ~~whethat~~ will receive the used oil;
- 3) The U.S. EPA identification number and Illinois special waste identification number of the transporter ~~whethat~~ delivers the used oil to the burner;
- 4) The U.S. EPA identification number and Illinois special waste identification number of the burner;
- 5) The quantity of used oil shipped; and
- 6) The date of shipment.

- b) On-specification used oil delivery. A generator, transporter, processor, or burner ~~whethat~~ first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 ~~metshall~~ keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:

- 1) The name and address of the facility receiving the shipment;
- 2) The quantity of used oil fuel delivered;
- 3) The date of shipment or delivery; and
- 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.112(a).

- c) Record retention. The records described in subsections (a) and (b) above must be maintained for at least three years.

(Source: Amended at 18 Ill. Reg. _____, effective APR 26 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Numbers: Adopted Action:
724.101, 724.103, 724.201 Amendment
724.351 Amendment
724.652, 724.653 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1022.4 and 1027 [415 ILCS 5/22.4 and 5/27]. **APR 26 1994**
- 5) Effective Date of Amendments:
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these amendments contain incorporations by reference?

No. 35 Ill. Adm. Code 720.111 contains the central listing of all documents incorporated by reference for the purposes of the hazardous waste management regulations of 35 Ill. Adm. Code 700 through 728 and 739. Where a document is incorporated in any segment of the hazardous waste management regulations, the incorporation at 35 Ill. Adm. Code 720.111 is cross-referenced. Although the present amendments added citations to the Code of Federal Regulations and to the issue of the Federal Register in which certain federal actions appeared, none of these are incorporations of substantive materials by reference.

- 8) Date filed in Board's principal office: Order adopted March 17, 1994.

- 9) Notice of Proposal Published in Illinois Register:

January 14, 1994, 18 Ill. Reg. 439

- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1013(c) [415 ILCS 5/13(c)]) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 11) Differences between proposal and final version:

Communication from staff of JCAR indicated problems with the base text used for the proposal for public comment. This prompted an extensive review of the base text, and a number of corrections to the text of the amendments as proposed has resulted. The Board also received comments from U.S. EPA and the Office of the Secretary of State that prompted further revisions. The differences between the proposed and adopted versions of the amendments are summarized in tabular form as follows (source of changes denoted by superscript, S = Secretary of State, J = JCAR, U = U.S. EPA, and B = Board):

Section/Location ^{Source}

Change (Explanation)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

724. Table of Contents^a
headings for Sections 724.119, 724.324 & 724.404 added and headings for Sections 724.322, 724.352, 724.353 & 724.402 amended to correspond to amendments in R92-10
- 724.101(f)^s
underlined new language not previously underlined
- 724.101(g)(2)J
cross-references to above sub-sections and Part 739 corrected
- 724.Subpart F^s
Subpart heading restored
- 724.351(a)(1), (a)(2), (c)(1)(A)(ii), (c)(2), (c)(3), (c)(3)(E)^a
spacing after periods corrected
- 724.351(a)(2)(A)(ii)-(c)(1)(A)(i)^a
missing text omitted in R93-4 restored
- 724.351(f) Board Note^a
tab alignment corrected
- 724.652^s
"Section" added to heading
- 724.652(a)^a
spacing after period corrected
- 724.652(g)^s
"of this chapter" reference deleted
- 724.653^s
"Section" added to heading
- 724.653(a)[']
"Part" capitalized

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, where JCAR staff has submitted questions about the proposed rules or suggested corrections and clarifications, the Board has responded to each point raised.

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of March 17, 1994 in R93-16, which opinion is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1993. During that time, U.S. EPA undertook the following actions:

Federal Action

Summary

- | | |
|------------------------------------|---|
| 58 Fed. Reg. 8658 (Feb. 16, 1993) | Corrective Action Management Unit (CAMU) and Temporary Unit (TU) regulations applicable to RCRA Subtitle C corrective actions |
| 58 Fed. Reg. 14317 (Mar. 17, 1993) | Amendments to land disposal restrictions for Third Third wastes. |
| 58 Fed. Reg. 26420 (May 3, 1993) | Technical amendments to the used and waste oil management standards |
| 58 Fed. Reg. 28506 (May 14, 1993) | Renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris |
| 58 Fed. Reg. 29860 (May 24, 1993) | Land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated |
| 58 Fed. Reg. 33341 (June 17, 1993) | Corrections to used and waste oil management standards |

The Board dealt with the amendments of May 24, 1993 in the preceding docket, R93-4. The set of remaining federal actions has made it necessary to amend 35 Ill. Adm. Code 702, 703, 720, 721, 724, 725, 728, and 739 simultaneously.

In particular, the amendments to Part 724 are in response to the federal used and waste oil corrections and amendments and the corrective action (CAMU)/temporary unit (TU) regulations. The amendments to Section 724.101(g)(2) are related to the federal used oil regulations; the amendments to Sections 724.103 and 724.201(b) and the addition of Sections 724.653 and 724.653 are related to the CAMU/TU rules. The Board made a number of other amendments to correct the base text of several segments of the regulations. Thus, the headings of Sections 724.119, 724.322, 724.324, 724.352, 724.353, 724.402, and 724.404 are amended in the table of contents, and text is restored at Sections 724.101(f) and 724.351(a)(2)(A)(ii) through (c)(1)(A)(i). Cross-reference format is revised at Section 724.101(g)(2). Spelling, spacing, punctuation, and grammar are corrected at Sections 724.103 and 724.351(a)(1), (a)(2), (c)(1)(A)(ii), (c)(2), (c)(3), and (c)(3)(E).

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan
724.155 Emergency Coordinator
724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records
724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section
724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-closure Care and Use of Property
724.218 Post-closure Plan; Amendment of Plan
724.219 Post-closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
724.240 Applicability
724.241 Definitions of Terms As Used In This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure
724.244 Cost Estimate for Post-closure Care
724.245 Financial Assurance for Post-closure Care
724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.247 Liability Requirements
724.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
724.270 Applicability
724.271 Condition of Containers
724.272 Compatibility of Waste with Container
724.273 Management of Containers
724.274 Inspections
724.275 Containment
724.276 Special Requirements for Ignitable or Reactive Waste
724.277 Special Requirements for Incompatible Wastes
724.278 Closure

SUBPART J: TANK SYSTEMS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

724.290 Applicability
 724.291 Assessment of Existing Tank System's Integrity
 724.292 Design and Installation of New Tank Systems or Components
 724.293 Containment and Detection of Releases
 724.294 General Operating Requirements
 724.295 Inspections
 724.296 Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems
 724.297 Closure and Post-Closure Care
 724.298 Special Requirements for Ignitable or Reactive Waste
 724.299 Special Requirements for Incompatible Wastes
 724.300 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART K: SURFACE IMPOUNDMENTS

Section
 724.320 Applicability
 724.321 Design and Operating Requirements
 724.322 Double-lined Surface Impoundments—Exemption from Subpart F—Ground-water Protection Requirements (Repeated) Action Leakage Rate
 724.324 Response Actions
 724.326 Monitoring and Inspection
 724.327 Emergency Repairs; Contingency Plans
 724.328 Closure and Post-closure Care
 724.329 Special Requirements for Ignitable or Reactive Waste
 724.330 Special Requirements for Incompatible Wastes
 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART L: WASTE PILES

Section
 724.350 Applicability
 724.351 Design and Operating Requirements
 724.352 Double-lined Piles—Exemption from Subpart F—Ground-water Protection Requirements (Repeated) Action Leakage Rate
 724.353 Inspection of Piles—Exemption from Subpart F—Ground-water Protection Requirements (Repeated) Response Action Plan
 724.354 Monitoring and Inspection
 724.356 Special Requirements for Ignitable or Reactive Waste
 724.357 Special Requirements for Incompatible Wastes
 724.358 Closure and Post-closure Care
 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART M: LAND TREATMENT

Section
 724.370 Applicability
 724.371 Treatment Program
 724.372 Treatment Demonstration
 724.373 Design and Operating Requirements
 724.376 Food-chain Crops
 724.378 Unsaturated Zone Monitoring
 724.379 Recordkeeping
 724.380 Closure and Post-closure Care
 724.381 Special Requirements for Ignitable or Reactive Waste
 724.382 Special Requirements for Incompatible Wastes
 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART N: LANDFILLS

Section
 724.400 Applicability
 724.401 Design and Operating Requirements
 724.402 Double-lined Landfills—Exemption from Subpart F—Ground-water Protection Requirements (Repeated) Action Leakage Rate
 724.403 Monitoring and Inspection
 724.404 Response Actions
 724.409 Surveying and Recordkeeping
 724.410 Closure and Post-closure Care
 724.412 Special Requirements for Ignitable or Reactive Waste
 724.413 Special Requirements for Incompatible Wastes
 724.414 Special Requirements for Bulk and Containerized Liquids
 724.415 Special Requirements for Containers
 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section
 724.440 Applicability
 724.441 Waste Analysis
 724.442 Principal Organic Hazardous Constituents (POHCs)
 724.443 Performance Standards
 724.444 Hazardous Waste Incinerator Permits
 724.445 Operating Requirements
 724.447 Monitoring and Inspections
 724.451 Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section
 724.552 Corrective Action Management Units
 724.553 Temporary Units

SUBPART W: DRIP PADS

Section
 724.670 Applicability
 724.671 Assessment of existing drip pad integrity
 724.672 Design and installation of new drip pads
 724.673 Design and operating requirements
 724.674 Inspections
 724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

Section
 724.700 Applicability
 724.701 Environmental Performance Standards
 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action
 724.703 Post-closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
 724.930 Applicability
 724.931 Definitions
 724.932 Standards: Process Vents
 724.933 Standards: Closed-vent Systems and Control Devices

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

March 26, 1993; amended in R93-4 at 17 Ill. Reg. 2030, effective November 22, 1993; amended in R93-16 at 111. Reg. _____, effective _____.

APR 26 1994

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability

- The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste.
- The standards in this Part apply to owners and operators of all facilities which treat, store or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

for one of the most important of the world's great religions.

d) **BOARD NOTE:** This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704, Subpart F.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.

f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with U.S. EPA rules.

The requirements of this Part do not apply to:

1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2), and through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table D), or corrosive (D002) waste, to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b) of this part;
- 7) Immediate response:
 - A) Except as provided in subsection (f)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
 - C) Any person who is covered by subsection (f)(8)(A) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities. Or,
 - 8) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container; and Sections 724.117(b), 724.271 and 724.272 are complied with.
- h) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

(Source: Amended at ___ Ill. Reg. ___, effective
APR 26 1994)

Section 724.103 Relationship to Interim Status Standards

A facility owner or operator who has fully complied with the requirements for interim status--as defined in Section 3005(e) of RCRA and regulations specified in 35 Ill. Adm. Code 703, Subpart C--must comply with the regulations specified in 35 Ill. Adm. Code 725 in lieu of the regulations in this Part, until final administrative disposition of his permit application is made, except as provided under Subpart S of this Part.

BOARD NOTE: As stated in Section 21(f) of the Illinois Environmental Protection Act, the treatment, storage, or disposal of hazardous waste is prohibited, except in accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made.

(Source: Amended at ___ Ill. Reg. ___, effective
APR 26 1994)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.201 Corrective Action for Solid Waste Management Units

- a) The owner or operator of a facility seeking a permit for the treatment, storage or disposal of hazardous waste must institute correction action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.
- b) Corrective action will be specified in the permit in accordance with this Section and Subpart S of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.
- c) The owner or operator must implement corrective action measures beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.

(source: Amended at ____ Ill. Reg. ____, effective
APR 26 1994)

SUBPART L: WASTE PILES

Section 724.351 Design and Operating Requirements

- a) A waste pile (except for an existing portion of a waste pile) must have:

1) A liner that is designed, constructed and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be:

A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the pile. The Agency shall specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

A) Constructed of materials that are:

- i) Chemically resistant to the waste managed in the pile and the leachate expected to be generated; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the pile; and

B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

The owner or operator will be exempted from the requirements of subsection (a) above if the Board grants an adjusted standard pursuant to 35 Ill. Adm. Code 106.Subpart G. The level of justification is a demonstration by the owner or operator that alternate design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider:

1) The nature and quantity of the wastes;

2) The proposed alternate design and operation;

3) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and groundwater or surface water; and

4) All other factors which influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

The owner or operator of each new waste pile unit on which construction commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each replacement of an existing waste pile unit that is to commence reuse after July 29, 1992, shall install two or more liners and a leachate collection and removal system above and between such liners. "construction commences" is as defined in Section 720.110 under "existing facility".

1) Liners.

A) The liner system must include:

- i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

- B) The liners must comply with subsections (a)(1)(A), (B) and (C) above.
- 2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The Agency will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and (D) below.
- 3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection are satisfied by installation of a system that is, at a minimum:
 - A) Constructed with a bottom slope of one percent or more;
 - B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-5} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more;
 - C) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and equipment used at the waste pile;
 - D) Designed and operated to minimize clogging during the active life and post-closure care period; and
 - E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and of liquids removed.

- 4) The owner or operator shall collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.
- 5) The owner or operator of a LDS that is not located completely above the seasonal high water table shall demonstrate that the operation of the LDS will not be adversely affected by the presence of ground water.
- d) The Agency shall approve alternative design or operating practices to those specified in subsection (c) above if the owner or operator demonstrates to the Agency, by way of permit or permit modification application, that such design or operating practices, together with location characteristics:
 - 1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in subsection (c) above; and
 - 2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.
- e) Subsection (c) above does not apply to monofills that are granted a waiver by the Agency in accordance with Section 724.321(e).
- f) The owner or operator of any replacement waste pile unit is exempt from subsection (c) above if:
 - 1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 USC 6901 et seq.); and

BOARD NOTE: The cited provisions required the installation of two or more liners and a leachate collection system above (in the case of a landfill) and between such liners, including a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period the facility remained in operation (including any post-closure monitoring period), and a lower liner to prevent the migration of any constituent through the liner during such period. The lower liner was deemed to satisfy the requirement if it was constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} cm/sec.

- 2) There is no reason to believe that the liner is not functioning as designed.
- g) The owner or operator shall design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- h) The owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- i) Collection and holding facilities (e.g. tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
- j) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator shall cover or otherwise manage the pile to control wind dispersal.
- k) The Agency shall specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 1st Ill. Reg. ____, effective APR 26 1994.)

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section 724.652 Corrective Action Management Units

a) For the purpose of implementing remedies under Section 724.201 or RCRA Section 3008(h), the Agency may designate an area at the facility as a corrective action management unit, as defined in 35 Ill. Adm. Code 720.10, in accordance with the requirements of this Section. One or more CAMUs may be designated at a facility.

1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.

2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Designation of a CAMU.

1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if:

A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and

B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency shall designate a CAMU in accordance with the following

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

factors:

- 1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
- 2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
- 3) The CAMU shall include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
- 4) Areas within the CAMU where wastes remain in place after its closure shall be managed and contained so as to minimize future releases to the extent practicable;
- 5) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;
- 6) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
- 7) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

d) The owner or operator shall provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.

e) The Agency shall specify in the permit the requirements applicable to a CAMU, including the following:

1) The areal configuration of the CAMU.

2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.

3) Requirements for groundwater monitoring that are sufficient to:

- A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
- B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

4) Closure and post-closure requirements.

A) Closure of a CAMU shall:

- i) Minimize the need for further maintenance; and
- ii) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

B) Requirements for closure of a CAMU shall include the following, as appropriate:

- i) Requirements for excavation, removal, treatment, or containment of wastes;
- ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
- iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

C) In establishing specific closure requirements for a CAMU under this subsection, the Agency shall consider the following factors:

- i) The characteristics of the CAMU;
- ii) The volume of wastes that remain in place after closure;
- iii) The potential for releases from the CAMU;
- iv) The physical and chemical characteristics of the waste;
- v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
- vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

D) Post-closure requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities shall be performed to ensure the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

integrity of any cap, final cover, or other containment system.

f) The Agency shall document the rationale for designating the CAMU and shall make such documentation available to the public.

g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.

h) The designation of a CAMU does not change the Agency's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

BOARD NOTE: Derived from 40 CFR 264.552 (1992), as added at 58 Fed. Reg. 8683 (Feb. 16, 1993). U.S. EPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until U.S. EPA authorizes this Illinois provision, an owner or operator must seek CAMU authorization from U.S. EPA Region V, as well as authorization from the Agency under this provision.

(Source: Added at _____ Ill. Reg. _____, effective APR 26 1994

Section 724.653 Temporary Units

a) For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required under Section 724.201 or RCRA section 3008(h), the Agency shall establish alternative requirements pursuant to this Section if it determines that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements that is equally as protective of human health and the environment as would be the standards of this Part or of 35 Ill. Adm. Code 725, if applied.

b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) shall be:

1) Located within the facility boundary; and

2) Used only for treatment or storage of remediation wastes.

c) In establishing alternative requirements to be applied to a temporary unit, the Agency shall consider the following factors:

1) The length of time such unit will be in operation;

2) The type of unit;

3) The volumes of wastes to be managed;

4) The physical and chemical characteristics of the wastes to be managed in the unit;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
 2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:

112.252 Amendment
 112.253 Amendment
 112.254 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/Art. 12-13] Public Act 88-90

- 5) Effective Date of Amendments: April 27, 1994
 6) Does this rulemaking contain an automatic repeal date? No
 7) Do these Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: April 27, 1994

- 9) Notice of Proposal Published in Illinois Register:

December 31, 1993 (17 Ill. Reg. 22247)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
 11) Differences between proposal and final version: No substantive changes have been made to the text of the proposed amendment.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No
 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.70	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.71	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.72	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.74	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.76	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.77	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.78	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.79	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.80	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.81	Amendment	February 25, 1994 (18 Ill. Reg. 2753)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) The potential for releases from the unit;
 6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.

d) The Agency shall specify in the permit the length of time a temporary unit will be allowed to operate, which shall be no longer than one year. The Agency shall also specify the design, operating, and closure requirements for the unit.

e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines that:

- 1) Continued operation of the unit will not pose a threat to human health and the environment; and
 2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:

- 1) Approved in accordance with the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273; or

- 2) Requested by the owner/operator as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.

g) The Agency shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

BOARD NOTE: Derived from 40 CFR 264.553 (1992), as added at 58 Fed. Reg. 8684 (Feb. 16, 1993). U.S. EPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until U.S. EPA authorizes this Illinois provision, an owner or operator must seek TU authorization from U.S. EPA Region V, as well as authorization from the Agency under this provision.

(Source: Added at ___ Ill. Reg. ___, effective APR 26 1994

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sections	Proposed Action	Illinois Register Citation
112.82	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.83	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.84	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.85	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.98	Amendment	February 25, 1994 (18 Ill. Reg. 2753)
112.110	Amendment	March 25, 1994 (18 Ill. Reg. 4546)
112.140	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.151	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.300	Amendment	February 18, 1994 (18 Ill. Reg. 2587)
112.151	Amendment	March 25, 1994 (18 Ill. Reg. 4546)

15) Summary and Purpose of Amendments: These amendments are necessary to implement the provisions of Public Act 88-90. Public Act 88-90 increased the payment levels for 2 and 3 person AFDC and SFCA cases that include an adult effective April 1, 1994.

As a result of these amendments, effective April 1994, the Payment Levels for AFDC family cases are increased as follows:

Family Size	Group I Counties	Group II Counties	Group III Counties
2	278	269	257
3	377	365	349

Companion amendments have also been proposed to Sections 111.20, 111.101, 114.351, 114.352, 114.353, 120.20 and 120.30.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation By Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	
112.70	Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Initial Assessment Process/Development of an Employability Plan
112.76	Project Chance Orientation
112.77	Conciliation and Fair Hearings
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81	Responsible Relative Eligibility For Project Chance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.82 Project Chance Supportive Services
 112.83 Young Parents Program
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
 112.98

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section
 112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
 112.362 Additional Service to Secure or Maintain Child Care Arrangements
 112.364 Rates of Payment for Child Care
 112.366 Method of Providing Child Care
 112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
 112.406 Loss of Eligibility for Transitional Child Care
 112.408 Qualified Child Care Providers
 112.410 Notification of Available Services
 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Arts. 4-1 and 12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. _____, effective April 27, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 112.252 (continued)

e) For assistance units which contain both caretaker relatives and children and which contain nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which contain eight (8) or more persons, two payment levels are established - Current and Grandfathered.

1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 18 Ill. Reg. _____, effective April 27, 1994)

Section 112.253 Payments Levels in AFDC Group II Counties

a) The following Payment Levels are established for the AFDC Program in Group II Counties.

b) The counties included in AFDC Group II are:

Adams	Grundy	Macon	Putnam
Bureau	Henry	Macoupin	Rock Island
Carroll	Iroquois	Madison	Sangamon
Clinton	Jackson	McDonough	St. Clair
Coles	JoDaviess	McLean	Stephenson
DeWitt	Knox	Mercer	Tazewell
Douglas	LaSalle	Monroe	Vermilion
Effingham	Lee	Moultrie	Wabash
Ford	Livingston	Peoria	Warren
Fulton	Logan	Piatt	Will

SUBPART H: PAYMENT AMOUNTS

Section 112.252 Payment Levels in AFDC Group I Counties

a) The following Payment Levels are established for the AFDC Program in Group I Counties.

b) The counties included in Group I are:

Boone	DuPage	Lake	Winnebago
Champaign	Kane	McHenry	Woodford
Cook	Kankakee	Ogle	
DeKalb	Kendall	Whiteside	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)		CHILD(REN) ONLY	
	CURRENT	GRANDFATHERED	CURRENT	GRANDFATHERED
1	212		102	
2	268	278	201	
3	367	377	249	
4	414		319	
5	485		379	
6	545		407	
7	574		438	417
8	604		469	479
9	635	649	503	511
10	669	700	538	571
11	705	752	576	
12	741	814	614	
13	781			
14	822	926		
15	866			
16	911			
17	959			
18	1010			

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50.00 or \$38.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.253(b) (continued)

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)	CURRENT	GRANDFATHERED	CHILD(REN) ONLY
1	204	97		
2	259 269	194		
3	355 365	242		
4	403	311		
5	471	369		
6	529	397		403
7	557	427		463
8	588	459		
9	619	491	628	
10	651	525	681	
11	685	561	735	
12	721	599	794	
13	760		853	
14	799			
15	841		964	
16	886			
17	934			
18	982			

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) For assistance units which contain both caretaker relatives and children and which contain nine (9) or more persons, two payment levels are established - Current and Grandfathered. Likewise, for assistance units with children only and which contain six (6) or more persons, two payment levels are established - Current and Grandfathered.

1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.253(e)(1) (continued)

a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is rescinded or if an assistance unit is erroneously cancelled and then reinstated.

2) Current Payment Levels are the regular Payment Levels used by the Department and shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 18 Ill. Reg. _____, effective April 27, 1994)

Section 112.254 Payment Levels in AFDC Group III Counties

a) The following Payment Levels are established for the AFDC Program in Group III Counties.

b) The counties included in Group III are:

Alexander	Fayette	Lawrence	Richland
Bond	Franklin	Marion	Saline
Brown	Gallatin	Marshall	Schuyler
Calhoun	Greene	Mason	Scott
Cass	Hamilton	Massac	Shelby
Christian	Hancock	Menard	Stark
Clark	Hardin	Montgomery	Union
Clay	Henderson	Perry	Washington
Crawford	Jasper	Pike	Wayne
Cumberland	Jefferson	Pope	White
Edgar	Jersey	Pulaski	Williamson
Edwards	Johnson	Randolph	

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)	CHILD(REN) ONLY
1	173	94
2	247 257	188
3	339 349	237
4	389	302

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.254(b) (continued)

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S) AND CHILD(REN)	CHILD(REN) ONLY
	CURRENT	GRANDFATHERED
5	453	359
6	511	387
7	538	414
8	566	445
9	597	477
10	628	510
11	662	545
12	696	581
13	733	
14	771	
15	812	
16	855	
17	900	
18	948	

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the AFDC program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the AFDC Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) For an assistance unit which contains both caretaker relative(s) and children of eleven (11) persons, two payment levels are established - Current and Grandfathered.

1) Grandfathered Payment Levels apply for families who are at that family size as of January 1, 1987. Those families will remain at that Payment Level until there is a change in family composition or the family goes off the assistance rolls. If such a family changes family composition (adds a member or loses a member), thereafter the Current Payment Level for the appropriate family size will be used. If such a family goes off assistance and then comes back on, the family will come back on the assistance rolls at the Current Payment Level for the appropriate family size. The Department will not withdraw "grandfathered" status if a change in family composition is

Section 112.254(e)(1) (continued)

rescinded or if an assistance unit is erroneously cancelled and then reinstated.

2) Current Payment Levels are the regular Payment Levels used by the Department shall be used for all persons except those who meet the criteria of subsection (e)(1) above.

(Source: Amended at 18 Ill. Reg. _____, effective April 27, 1994)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Assistance Standards

2) Code Citation: 89 Ill. Adm. Code 111

3) Section Number: Adopted Action:

111.20 Amendment
111.101 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/Art. 12-13], Public Act 88-90

5) Effective Date of Amendments: April 27, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 27, 1994

9) Notice of Proposal Published in Illinois Register:

December 31, 1993 (17 Ill. Reg. 22262)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: Amendments to Section 111.101 were adopted effective January 21, 1994. These amendments, which were published at 18 Ill. Reg. 2029, have been incorporated into the revised text of Section 111.101. In addition, in Section 111.20(j) the word "paragraph" has been changed to "subsection" to use the proper term for referring to provisions of the rules. No other substantive changes have been made to the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments are necessary to implement the provisions of Public Act 88-90. Public Act 88-90 increased the payment levels for 2 and 3 person AFDC and SFCA cases that include an adult effective April 1, 1994.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

As a result of these amendments, effective April 1994, the Current Assistance Standards for AFDC and Refugee/Repatriate Assistance Family Cases are increased as follows:

Family Size	Group I Counties	Group II Counties	Group III Counties
2	674	652	623
3	915	885	847

Companion amendments have also been proposed to Sections 112.252, 112.253, 112.254, 114.351, 114.352, 114.353, 120.20 and 120.30. Other amendments were proposed to Section 111.101 on October 29, 1993, at 17 Ill. Reg. 18764.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna

Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 111
ASSISTANCE STANDARDS

Section	Incorporation By Reference
111.1	Establishment of Assistance Standards
111.10	Computation of the Assistance Standards
111.20	Amount of Assistance Standards (Family of 1)
111.30	Amount of Assistance Standards (Family of 2)
111.40	Amount of Assistance Standards (Family of 3)
111.50	Amount of Assistance Standards (Family of 4)
111.60	Amount of Assistance Standards (Family of 5)
111.70	Amount of Assistance Standards (Family of 6)
111.80	Amount of Assistance Standards (Family of 7 thru 18)
111.90	Amount of Assistance Standards (Child-Only Cases) (Repealed)
111.100	Current Assistance Standards
111.101	Adjustments Following Court Orders
111.110	

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 12-4.11 and 12-13) [305 ILCS 5/Arts. 3, 4, 6, and 5/12-4.11 and 12-13].

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. 2029, effective January 21, 1994; amended at 18 Ill. Reg. _____, effective April 27, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 111.20 Computation of the Assistance Standards

The computation of the Assistance Standards shall be made as follows:

- a) A determination shall be made from the CEX of the expenditures for each of the above listed need items by families in the lowest

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 111.20(a) (continued)

quartile of income. Separate determinations shall be made for families of one through six persons.

- b) Such expenditures shall be updated by the Implicit Price Deflator for Personal Consumption Expenditures (IPD) to account for changes in prices and consumption patterns between the time of the survey and December, 1979.
- c) Such expenditures shall be updated to the first day of June 1983 by use of the most recently published subindices of the Consumer Price Index for All Urban Consumers (CPI-U) which pertain to such expenditures, taking into account projected increases in the CPI-U components as forecast by nationally recognized economic forecasting firms such as Chase Econometrics and Data Resources.
- d) Using the cost of the U.S. Department of Agriculture's (USDA) "Thrifty Food Plan" as a basis, a valuation in dollars of the cost of the standard shall be made, based upon the ratio between the projected cost of food in the CEX and the projected total CEX costs in the standard:

FOOD COST COMPONENT	COST OF THRIFTY
OF CEX	FOOD PLAN
-----	-----
TOTAL CEX COST	COST OF STANDARD

The calculation for the standard is:

STANDARD	(Cost of)	(Updated CEX total)
FOR	(Thrifty)	(cost for family)
FAMILY	(Food Plan)	(of "n" persons)
OF ONE	= (for family)	X -----
TO SIX	(of "n")	(Updated CEX food)
PERSONS	(persons)	(cost for family)
		(of "n" persons)

- e) The above shall be used for Group I counties (see 89 Ill. Adm. Code 112.251, 112.252, and 112.253 for County designations). Determinations for such amounts in the Group II and Group III counties shall be made by a similar methodology, except that the shelter component of the updated CEX shall be diminished by the percentage difference in shelter costs between Group I and Group II and Group III counties, respectively. These housing cost differentials shall be based upon the Department's records of the housing costs (rent plus utilities) of Aid to Families with Dependent Children/Food Stamp (AFDC/Food Stamp) recipients.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 111.20 (continued)

f) Standards for families larger than six persons shall be adjusted to take into account the economies of scale recognized by the U.S. Department of Agriculture (USDA). The cost of the Thrifty Food Plan for such sized family shall be divided by the product of:

- 1) the percentage increase in the cost of Thrifty Food Plan for succeeding family size
- 2) the USDA economies of scale factor for families larger than six persons, times the percentage spent for food in the budget of the smaller size family.

g) Effective January 1, 1985, except for AFDC Families of 1 Adult, the Assistance Standards will be updated by taking the current Assistance Standards and applying the CPI-U less medical care for the twelve month period ending with June of the previous year. The Assistance Standards effective January 1, 1984, through December 31, 1984, both excluding medical care and including medical care shall be retained in Sections 111.30 - 111.90. Updated, current Assistance Standards, excluding medical care, shall be contained in Section 111.101. These rules contain detailed methodology on how all Assistance Standards were determined.

h) Effective January 1, 1985, a separate Assistance Standard is established under the AFDC program for Families of 1 Adult in all three County groupings to take into account the fact that under AFDC, Families of 1 Adult will contain children in the household. After initially being established January 1, 1985, this Assistance Standard shall be updated in accordance with the methodology described in (g) above.

i) Effective January 1, 1987, Assistance Standards for cases in which no adult member is included ("child only") will be derived from the standards in which an adult is included by reducing the standard for the next higher family size in which an adult is included by an amount equal to the standard for a family size of one (1) in which an adult is included. In this process, the standard for a family size of one (1) in programs other than AFDC will be used because that standard more accurately reflects the needs of an adult with no children. For example, the standard for a child only case of two (2) will be determined by taking the standard for a family size of three (3) with adults and subtracting the amount of the standard for one (1) adult for programs other than AFDC. The child only Standards will be updated each January 1.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 111.20 (continued)

j) Effective April 1, 1994, the Assistance Standards for families of 2 and 3 in which an adult is included will be increased in addition to the increase effective January 1, 1994, under subsection (g) above. The amounts effective April 1, 1994, will be as follows:

	Group I	Group II	Group III
2	674	652	623
3	915	885	847

(Source: Amended at 18 Ill. Reg. ____, effective April 27, 1994)

Section 111.101 Current Assistance Standards

Adults and Children

Family Size	Group I	Group II	Group III
1 (AFDC and Refugee/ Repatriate Assistance)	\$514	\$495	\$420
1 (All Other Programs)	400	388	373
2	660 674	628 652	599 623
3	890 915	861 885	822 847
4	1004	977	944
5	1177	1143	1099
6	1322	1284	1239
7	1391	1351	1306
8	1465	1427	1374
9	1541	1502	1450
10	1624	1579	1525
11	1710	1662	1607
12	1799	1751	1689
13	1895	1843	1779
14	1995	1940	1871
15	2101	2042	1971
16	2212	2152	2076
17	2329	2266	2185
18	2452	2385	2302

Child-Only

1	247	235	228
2	487	470	456
3	604	587	575
4	774	754	733

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 111.101 (continued)

5	919	895	871
6	987	963	938
7	1062	1036	1004
8	1138	1113	1080
9	1221	1191	1157
10	1306	1273	1237
11	1397	1362	1321
12	1491	1454	1410

For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended at 18 Ill. Reg. ___, effective April 27, 1994)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Savings Bank Act.
- 2) Code Citation: 38 Ill. Adm. Code 1075.
- 3) Section number
1075.2175 Emergency Action
New Section
- 4) Statutory Authority: Authorized by the Savings Bank Act, P.A. 86-1213 (effective August 30, 1990).
- 5) Effective Date of Emergency Rules: APR 22 1994
- 6) If this Emergency Rule is to expire before the end of the 150-day period, please specify the date on which it is to expire:
This Emergency Rule will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: April 18, 1994.
- 8) Reason for Emergency: The Savings Bank Act, which was enacted into law on August 30, 1990, created a new depository institution for the State of Illinois, one which combines the elements of commercial banking, retail consumer deposit accounts and residential lending and services.

On June 7, 1993, rules promulgated under the authority of the Savings Bank Act were amended to include Subpart O: Conversion of Mutual Savings Bank to Capital Stock Savings Bank. The reason for this emergency is due to the fact of a pending application from an institution wanting to convert from a mutual savings bank to a capital stock savings bank with a simultaneous formation of a holding company.
- 9) A Complete Description of the Subjects and Issues Involved:

The proposed emergency amendment is to clarify existing authority to form a holding company in conjunction with a mutual to stock conversion.
- 10) Are there any other Proposed Amendments Pending to this Part?
Section Numbers Proposed Action Illinois Register Citation
No.
- 11) Statement of Statewide Policy Objectives: This rule will not affect local government.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

- 12) Information and questions regarding this Emergency Rule shall be directed to:

Mr. Jay R. Stevenson, Deputy Commissioner
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 61701-1509
(217) 782-6169

The full text of the Emergency Rules begins on the next page:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

CHAPTER VIII: COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE
TITLE 38: FINANCIAL INSTITUTIONS

PART 1075
SAVINGS BANK ACT

SUBPART A: FILINGS

Section
1075.100
1075.110
1075.120
1075.130
1075.140

Filings
Conditions
Examination Fees
Supervisory Fees
Adjusted Supervisory Fees

SUBPART B: DEFINITIONS

Section
1075.200

Definitions

SUBPART C: REPORTS

Section
1075.300
1075.310

Contracts
Financial Reports

SUBPART D: OPERATIONS

Section
1075.400
1075.410
1075.415
1075.420
1075.430
1075.440
1075.450
1075.455
1075.460
1075.465

Capital Stock
Minimum Capital Requirement
Conflicting Federal Powers, Law and Regulations
Advertising
Maintenance of Records
Business Plan
Excess Insurance
Vacancies in the Board of Directors
Bond of Officers, Directors, Employees and Agents
Indemnification of Officers, Directors, Employees and Agents

Deceptively Similar Names
Manner of Display of Annual Meeting Notice
Procedures for Exercise of Dissenters Rights

SUBPART E: INVESTMENTS

Section
1075.500
1075.505
1075.510
1075.515
1075.520
1075.525

Prudent Person Rule
Investment Underwriting Practice
Discrimination and Redlining
Loans Secured by Real Estate
Construction Loans
Mobile Home Financing

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section

1075.530 Overdraft Loans
 1075.535 Education Loans
 1075.540 Vehicle/Automobile Loans
 1075.545 Home Equity Loans
 1075.550 Letter of Credit
 1075.555 Other Investments
 1075.560 Commercial Paper
 1075.565 Financial Futures
 1075.570 Financial Options
 1075.575 Finance Leasing
 1075.580 Suretyship
 1075.585 Asset Reserves

SUBPART F: SERVICE CORPORATION**Section**

1075.600 Requirements
 1075.610 Approval by the Commissioner
 1075.620 Investment Limitations
 1075.630 Investments by Service Corporations
 1075.640 Ownership of Capital Stock of Service Corporation
 1075.650 Prohibited Transactions
 1075.660 Disclosure to Service Corporation
 1075.670 Reporting Requirements
 1075.680 Audit Requirements

SUBPART G: RELOCATIONS AND BRANCHING**Section**

1075.700 General
 1075.705 Application
 1075.710 Request for Preliminary Determination
 1075.715 Public Notice and Inspection
 1075.720 Protest
 1075.725 Oral Argument
 1075.730 Application for the Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
 1075.735 Redesignation of Offices
 1075.740 Termination of Operation and/or Closing of a Branch Office
 1075.745 Agency Offices
 1075.750 Remote Drive-In and/or Remote Pedestrian Facilities

SUBPART H: CAPITAL NOTES AND DEBENTURES**Section**

1075.800 Approval
 1075.810 Conversion to Stock
 1075.820 Priority of Claim

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

SUBPART I: ADMINISTRATIVE HEARING PROCEDURES**Section**

1075.900 Applicability
 1075.905 Definitions
 1075.910 Early Neutral Evaluation
 1075.915 Conference Adjudicative Hearing
 1075.920 Filing
 1075.925 Form of Documents
 1075.930 Computation of Time
 1075.935 Appearances
 1075.940 Notice of Hearing
 1075.945 Service of the Notice of Hearing
 1075.950 Motion and Answer
 1075.955 Consolidation and Severance of Matters-Additional Parties

1075.960 Intervention
 1075.965 Postponement or Continuance of Hearing
 1075.970 Authority of Hearing Officer
 1075.975 Bias or Disqualification of Hearing Officer
 1075.980 Prehearing Conferences
 1075.985 Discovery
 1075.990 Subpoenas
 1075.995 Conduct of the Hearing
 1075.1000 Default
 1075.1005 Evidence
 1075.1010 Official Notice
 1075.1015 Hostile Witnesses
 1075.1020 Transcription of Proceedings
 1075.1025 Briefs
 1075.1030 Hearing Officer's Findings, Opinions and Recommendations
 1075.1035 Order of the Commissioner
 1075.1040 Rehearings
 1075.1045 Existing Statutory or Agency Procedures and Practices
 1075.1050 Costs of Hearing
 1075.1055 Emergency Adjudication

SUBPART J: SAVINGS BANK HOLDING COMPANIES**Section**

1075.1100 Applicability
 1075.1105 Plain Meaning/Strict Interpretation
 1075.1110 Affiliate
 1075.1115 Assets
 1075.1120 Books of Record
 1075.1125 Capital Stock
 1075.1130 Charter
 1075.1135 Control

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section	
1075.1140	Eligible Account Holder
1075.1145	Eligibility Record Date
1075.1150	Employee
1075.1155	Equity Security
1075.1160	Insured Institution
1075.1165	Member
1075.1170	Net Worth
1075.1175	Officer
1075.1180	Person
1075.1185	Qualifying Deposit
1075.1190	Sale
1075.1195	Security
1075.1200	Source Documents
1075.1205	Subsidiary
1075.1210	Liquidation Account and Proxies
1075.1215	Mutual Holding Company Ceasing to be a Depository Institution
1075.1220	Directors of a Mutual Holding Company
1075.1225	Stock Sales
1075.1230	Stock of a Subsidiary of a Mutual Holding Company
1075.1235	Stock Subsidiary Formation
1075.1240	Net Worth Maintenance Agreement
1075.1245	Members' Rights
1075.1250	Investment
1075.1255	Notice Requirement/Corrective Action
1075.1260	Insider Abuses
1075.1265	Determination of the Qualification and Condition of an Out-of-State Acquisition
1075.1270	Disposal of a Subsidiary
1075.1275	Dividends
1075.1280	Officers and Directors List
1075.1285	Access to Books and Records
1075.1290	Annual Audit Requirements
1075.1295	Maintenance of Records
1075.1300	Notice of Appointment of Independent Accountants
1075.1305	Holding Company Filing Fees
1075.1310	Holding Company Supervisory Fees
1075.1315	Examination Fees
1075.1320	Conditions
1075.1325	Manner of Payment

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO AN ILLINOIS SAVINGS BANK

Section	
1075.1400	Scope of Rules

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section	
1075.1405	Definitions
1075.1410	General Rules for Conversion Plan
1075.1415	Adopting and Filing of a Conversion Plan
1075.1420	Conversion Plan Requirements
1075.1425	Vote by Shareholders and Members
1075.1430	Issuance of Certificate of Approval
1075.1435	Final Approval of the Conversion
1075.1440	Powers of Resulting Savings Bank
1075.1445	Obligations of Resulting Savings Bank
1075.1450	Directors of Resulting Savings Bank

SUBPART L: SUPERVISION

Section	
1075.1500	Sale of Offices, Facilities and Equipment
1075.1510	Purchase of Offices
1075.1520	Bridge Charters
1075.1530	Unsafe and Unsound Practices
1075.1540	Failure to Comply with Report of Examination
1075.1550	Publication

SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRY WIDE PROHIBITION

Section	
1075.1600	Scope
1075.1610	Notice of Intention and Answer
1075.1620	Removal and Prohibition by Order
1075.1630	Suspension by Notice
1075.1640	Industry Wide Prohibition
1075.1650	Unauthorized Participation of Convicted Individual

SUBPART N: ACQUISITION OF CONTROL OF SAVINGS BANK

Section	
1075.1700	Acquisition of Control of Savings Bank
1075.1710	Anti-Takeover Provisions

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section	
1075.1800	Subpart Exclusive -- Prohibition on Conversion Without Approval -- Waiver of Requirements
1075.1805	Forms
1075.1810	Request of Noncompliance Requirements
1075.1815	Definitions
1075.1820	Prohibition on Approval of Certain Applications for Conversion
1075.1825	Requirements of Plan of Conversion

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section	
1075.1830	Issuance of Capital Stock -- Price
1075.1835	Stock Purchase Subscription Rights -- Eligible Account Holders
1075.1840	Stock Purchase Subscription Rights Received by Officers, Directors, and their Associates -- Subordination
1075.1845	Supplemental Share Purchase Subscription Rights -- Supplemental Eligible Account Holder -- Conditions
1075.1850	Voting Members Who Are Not Eligible Account Holders
1075.1855	Sale of Shares Not Sold in Subscription Offering -- Methods -- Conditions
1075.1860	Uniform Sales Price of Shares Required -- Application to Specify Arrangements on Sale of Shares Not Sold in Subscription Offering
1075.1865	Savings Account Holder to Receive Withdrawable Savings Account(s) -- Amount
1075.1870	Liquidation Account -- Establishment and Maintenance Required
1075.1875	Establishment of Eligibility Record Date Required
1075.1880	Voting Rights
1075.1885	Amendment and Termination of Plan of Conversion
1075.1890	Restriction on Sale of Shares of Stock by Directors and Officers
1075.1895	Conditions on Shares of Stock Subject to Restriction on Sale
1075.1900	Registration of Securities -- Marketing of Securities - Listing of Shares on Securities Exchange or NASDAQ Quotation System
1075.1905	Reasonable Expenses Required
1075.1910	Employee Stock Benefit Plan -- Priority
1075.1915	Employee Stock Benefit Plan -- Contributions
1075.1920	Plan of Conversion -- Prohibited Provisions
1075.1925	Optional Provisions in Plan of Conversion
1075.1930	Approval of Other Provisions
1075.1935	Amount of Qualifying Deposit of Eligible Account Holder or Supplemental Eligible Account Holder
1075.1940	Liquidation Account -- Establishment Required -- Amount -- Function
1075.1945	Liquidation Account -- Maintenance Required -- Subaccounts
1075.1950	Liquidation Account -- Distribution Upon Complete Liquidation
1075.1955	Liquidation Account -- Determination of Subaccount Balances
1075.1960	Reduction of Subaccount Balance

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section	
1075.1965	Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval
1075.1970	Limitation on Cash Dividends
1075.1975	Dividends on Preferred Stock
1075.1980	Prohibitions on Offer, Sale, or Purchase of Securities
1075.1985	Acquisitions of Control of a Converted Savings Bank
1075.1990	Articles of Incorporation - Restrictions Permitted
1075.1995	Confidentiality of Consideration to Convert -- Remedial Measures for Breach
1075.2000	Public Statement Authorized
1075.2005	Adoption of Plan of Conversion -- Notice to and Inspection by Account Holders -- Statement and Letter - Press Release Authorized
1075.2010	Statement, Letter and Press Release -- Content Permitted
1075.2015	Statement, Letter and Press Release - Contents Prohibited -- Inquiries
1075.2020	Notices of Filing of Application -- Requests for Subscription Offering Circular
1075.2025	Filing of Notice and Affidavit of Publication Required
1075.2030	Application Available for Public Inspection -- Confidential Information
1075.2035	Solicitation of Proxies; Proxy Statements
1075.2040	Vote by Members
1075.2045	Offers and Sales of Securities -- Prohibitions
1075.2050	Distribution of Offering Circulars Authorized
1075.2055	Preliminary Offering Circular for Subscription Offering -- Estimated Subscription Price Range Required
1075.2060	Review of Price Information by Commissioner
1075.2065	Underwriting Commission
1075.2070	Consideration of Pricing Information by Commissioner - Guidelines
1075.2075	Submission of Information by Applicant
1075.2080	Subscription Offering -- Distribution of Order Forms for the Purchase of Shares
1075.2085	Order Forms -- Final Offering Circular and Detailed Instructions
1075.2090	Subscription Price
1075.2095	Order Form -- Contents
1075.2100	Order Form -- Additional Provision Authorized -- Payment by Withdrawal
1075.2105	Time Period for Completion of Sale of all Shares of Capital Stock
1075.2110	Continuity of Corporate Existence
1075.2115	Application to Furnish Information

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section
 1075.2120 Additional Filing Requirements
 1075.2125 Availability for Conferences in Advance of Filing of Application -- Refusal of Prefiling Review
 1075.2130 Appeal from Refusal to Approve Application
 1075.2135 Postconversion Reports
 1075.2140 Certain Agreement to Transfer and Transfers of Ownership in Rights or Securities Prohibited
 1075.2145 Certain Offers and Announcements on Securities Prohibited
 1075.2150 Certain Offers and Acquisitions Prohibited
 1075.2155 Definitions -- Certain Transfers, Offers and Acquisitions Prohibited
 1075.2160 Amendments to Charter Required in Application -- Articles of Incorporation -- Filing of Certificate Required -- Contents -- Issuance and Filing of Authorization Certificate
 1075.2165 Conversions Incident to Acquisition by Savings Bank Holding Company or Merger or Consolidation with Savings Bank Holding Company Subsidiary -- Restriction on Sale of Shares of Stock by Directors and Officers
 1075.2170 Sale of Control in Connection with the Conversion of a Mutual Savings Bank to Capital Stock Savings Bank - Undercapitalized Mutual Savings Bank
 1075.2175 Conversion of a Savings Bank in Connection with the Formation of a Holding Company
EMERGENCY
 1075.2200 Application -- Application Requirements
 1075.2210 Application -- Filing the Application and Fees
 1075.2220 Application -- Preparing the Application
 1075.2230 Application -- Application Contents
 1075.2240 Application -- Application Exhibits
 1075.2300 Proxy Statement -- Information Required in Conversion
 Proxy Statement
 1075.2310 Proxy Statement -- Notice of Meeting
 1075.2320 Proxy Statement -- Revocability of Proxy
 1075.2330 Proxy Statement -- Persons Making the Solicitations
 1075.2340 Proxy Statement -- Voting Rights and Vote Required for Approval
 1075.2350 Proxy Statement -- Directors and Executive Officers
 1075.2360 Proxy Statement -- Management Remuneration
 1075.2370 Proxy Statement -- Business of the Applicant
 1075.2380 Proxy Statement -- Description of the Plan of Conversion
 1075.2390 Proxy Statement -- Description of Capital Stock
 1075.2400 Proxy Statement -- Capitalization
 1075.2410 Proxy Statement -- Use of New Capital
 1075.2420 Proxy Statement -- New Charter, Bylaws, or Other Documents

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

Section
 1075.2430 Proxy Statement -- Other Matters
 1075.2440 Proxy Statement -- Financial Statements
 1075.2450 Proxy Statement -- Consents of Experts and Reports
 1075.2460 Proxy Statement -- Attachments
 1075.2500 Offering Circular
 1075.2510 Offering Circular -- Certain Manner of Presentation of Required Information Prohibited
 1075.2520 Offering Circular -- Certain Named Persons -- Filing of Written Consent Required
 1075.2530 Offering Circular -- Information Required
 1075.2540 Offering Circular -- Additional Current Information Required
 1075.2550 Offering Circular -- Statement Required in Offering Circulars
 1075.2560 Offering Circular -- Preliminary Offering Circular
 1075.2570 Offering Circular -- Information with Respect to Exercise of Subscription Rights
 1075.2580 Offering Circular -- Information with Respect to Public Offering or Direct Community Offering

AUTHORITY: Implementing and authorized by the Savings Bank Act (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205 1001 et seq.] .

SOURCE: Emergency Rules Adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendments adopted at 18 Ill. Reg. _____, effective APR 22 1994, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

SUBPART 0: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section 1075.2175 Conversion of a Savings Bank in Connection with EMERGENCY the Formation of a Holding Company

A savings bank may convert to the stock form pursuant to this Subpart as part of a transaction in which a holding company is organized to acquire upon issuance all the capital stock of the converted savings bank. In such a transaction eligible account holders, supplemental eligible account holders, and voting members

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

of the converting savings association shall receive, without payment, nontransferable rights under Sections 1075.1835, 1075.1845 and 1075.1850 of this Subpart to purchase capital stock of the newly formed holding company in lieu of capital stock of the converting association. Unless clearly inapplicable, all of the requirements of this Subpart shall apply to a conversion under this Section.

(Source: Emergency Rule added at 18 Ill. Reg. _____, effective APR 22 1994, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1, et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1993. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	
Payroll Factor	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Subtraction Modifications - Valuation Limitation)
 Check Off Funds
 Circuit Breaker
 Claims for Refund: See Refunds
 Collection
 Combined Unitary Return (Also See Unitary)
 Commercial Domicile
 Compensation
 Composite Returns
 Confidentiality
 Credits
 Coal Research and Utilization Credit for Replacement Tax Paid
 Enterprise Zone Investment
 Foreign Tax
 High Impact Business
 Investment
 Jobs Tax
 Replacement Tax Investment Research and Development
 Training Expense
 Other Rulings (Not Included Above)
 Deficiencies
 Definitions
 Domestic International Sales Corporations (DISCs)
 Elections: See Combined Unitary Return, Extensions, Unitary
 Enterprise Zones (Also See Credits, Subtraction Modifications)
 Erroneous Refund: See Refunds
 Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Nuclear Decommissioning
 Trusts
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties

Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Appportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications,
 Credits—Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Appportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 Interest on Refunds and Deficiencies
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See
 Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments: See Appportionment
 Payroll Factor: See Appportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Appportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings (Not Included Above)

Replacement Tax (Also See Credits)
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings (Not Included Above)
 S Corporations
 Sales Factor: See Appportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Appportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees
 (Also See Sales Outside the Ordinary
 Course of Business (Bulk Sales))
 Transportation Services: See Appor-
 tionment
 Trusts
 Uniform Penalty and
 Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See
 Subtraction Modifications

Valuation Limitation: See Subtraction
 Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assess-
 ment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (UITA §1405.2)
 Reciprocal Agreements
 Other Rulings
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991 and 1992 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

ALLOCATION

(For Alternative Allocation Rulings, See that Heading)

IT 93-0139 General Information Letter: 09/08/1993 Article 3 of the Illinois Income Tax Act governs allocation and apportionment of base income.

ALTERNATIVE ALLOCATION

IT 93-0132 General Information Letter: 08/24/1993 Denial of a petition for alternative apportionment.

IT 93-0133 General Information Letter: 08/27/1993 Denial of a petition for alternative apportionment.

IT 93-0146 General Information Letter: 09/29/1993 Denial of a petition for alternative allocation.

IT 93-0147 General Information Letter: 09/29/1993 Denial of a petition for alternative allocation.

COLLECTION

IT 93-0128 General Information Letter: 08/12/1993 Response to a questionnaire pertaining to garnishment of wages.

CREDITS - FOREIGN TAX

IT 93-0143 General Information Letter: 09/27/1993 This letter provides a response to a question concerning the ability of an Illinois resident individual shareholder to claim a foreign tax credit for the shareholder's share of personal income taxes paid to the State of Utah by the S corporation on his behalf.

EXEMPT ORGANIZATIONS

IT 93-0134 General Information Letter: 09/03/1993 Response to a survey concerning the income tax return filing obligations of an exempt organization in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

LETTER RULING PROCEDURES

IT 93-0127 *General Information Letter: 07/15/1993* The Department's current policy is to research and respond to letter ruling requests in the order in which they are received, to the greatest extent possible.

LIENS

IT 93-0141 *General Information Letter: 09/22/1993* Illinois Income Tax Act Section 1101 provides that "if any person liable to pay any tax neglects or refuses to pay the same after demand", the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Illinois upon all property and rights to property, whether real or personal, belonging to such person.

MILITARY

(Also See *Subtraction Modifications*)

IT 93-0130 *General Information Letter: 08/23/1993* Response to a survey regarding Illinois income tax treatment of military personnel.

MISCELLANEOUS

IT 93-0131 *General Information Letter: 08/24/1993* Response to a survey.

PUBLIC LAW 86-272/NEXUS

IT 93-0144 *General Information Letter: 09/28/1993* General discussion of the principles utilized in determining the existence of nexus.

RATE OF TAX

IT 93-0136 *General Information Letter: 09/07/1993* The corporate income tax rate of 4.8% was made permanent.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 93-0142 *General Information Letter: 09/22/1993* Section 1200.110(a) of the Department's rules requires that a request for a private letter ruling must be made by, or on behalf of, an identified taxpayer.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONE

IT 93-0145 *General Information Letter: 09/29/1993* Illinois Income Tax Act Section 203(a)(2)(f) provides for a subtraction in an amount equal to those dividends includes in such total as were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. OBLIGATIONS

IT 93-0138 *General Information Letter: 09/08/1993* Publication 101 provides a list of U.S. Government obligations. The income from those obligations listed in Publication 101 is not subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 93-0129 *General Information Letter: 08/13/1993* This letter responds to an inquiry concerning whether distributions to a retired employee from a profit sharing plan are subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 93-0137 *General Information Letter: 09/08/1993* Income from obligations issued by the Financing Corporation (FICO) is not subject to Illinois income taxation.

IT 93-0148 *General Information Letter: 09/29/1993* Response to a questionnaire concerning state tax treatment of mutual fund dividends.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

TRUSTS

IT 93-0125 *General Information Letter:* 07/12/1993 Response to a computer software developer relative to the taxation of charitable remainder trusts.

IT 93-0126 *General Information Letter:* 07/13/1993 The determination of net income of a trust or estate begins with the taxable income properly reportable for federal income tax purposes.

UNITARY

(Also See Combined Unitary Return)

IT 93-0135 *General Information Letter:* 09/07/1993 Illinois has utilized the unitary business principle of taxation of business and non-business income for several years.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 93-0140 *General Information Letter:* 09/22/1993 The voluntary disclosure program is a program through which non-filing taxpayers may voluntarily come forward and file returns. The taxpayer in this instance is not a non-filer with respect to the tax which is the subject of the voluntary disclosure inquiry. Therefore, the taxpayer is not eligible for the voluntary disclosure program.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1, et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1993. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	
Payroll Factor	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Subtraction Modifications - Valuation Limitation)
 Check Off Funds
 Circuit Breaker
 Claims for Refund: See Refunds
 Collection
 Combined Unitary Return (Also See Unitary)
 Commercial Domicile
 Compensation
 Composite Returns
 Confidentiality
 Credits
 Coal Research and Utilization
 Credit for Replacement Tax Paid
 Enterprise Zone Investment
 Foreign Tax
 High Impact Business
 Investment
 Jobs Tax
 Replacement Tax Investment
 Research and Development
 Training Expense
 Other Rulings (Not Included Above)
 Deficiencies
 Definitions
 Domestic International Sales Corporations (DISCs)
 Elections: See Combined Unitary Return, Extensions, Unitary
 Enterprise Zones
 (Also See Credits, Subtraction Modifications)
 Erroneous Refund: See Refunds
 Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Nuclear Decommissioning Trusts
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties

Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Apportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 Interest on Refunds and Deficiencies
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See
 Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings (Not Included Above)

Replacement Tax
 (Also See Credits)
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings (Not Included Above)
 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees
 (Also See Sales Outside the Ordinary
 Course of Business (Bulk Sales))
 Transportation Services: See Appor-
 tionment
 Trusts
 Uniform Penalty and
 Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See
 Subtraction Modifications

Valuation Limitation: See Subtraction
 Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assess-
 ment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (IITA §1405.2)
 Reciprocal Agreements
 Other Rulings
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991 and 1992 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

ALLOCATION

(For Alternative Allocation Rulings, See that Heading)

IT 93-0139 General Information Letter: 09/08/1993 Article 3 of the Illinois Income Tax Act governs allocation and apportionment of base income.

ALTERNATIVE ALLOCATION

IT 93-0132 General Information Letter: 08/24/1993 Denial of a petition for alternative apportionment.

IT 93-0133 General Information Letter: 08/27/1993 Denial of a petition for alternative apportionment.

IT 93-0146 General Information Letter: 09/29/1993 Denial of a petition for alternative allocation.

IT 93-0147 General Information Letter: 09/29/1993 Denial of a petition for alternative allocation.

COLLECTION

IT 93-0128 General Information Letter: 08/12/1993 Response to a questionnaire pertaining to garnishment of wages.

CREDITS - FOREIGN TAX

IT 93-0143 General Information Letter: 09/27/1993 This letter provides a response to a question concerning the ability of an Illinois resident individual shareholder to claim a foreign tax credit for the shareholder's share of personal income taxes paid to the State of Utah by the S corporation on his behalf.

EXEMPT ORGANIZATIONS

IT 93-0134 General Information Letter: 09/03/1993 Response to a survey concerning the income tax return filing obligations of an exempt organization in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

LETTER RULING PROCEDURES

IT 93-0127 *General Information Letter:* 07/15/1993 The Department's current policy is to research and respond to letter ruling requests in the order in which they are received, to the greatest extent possible.

LIENS

IT 93-0141 *General Information Letter:* 09/22/1993 Illinois Income Tax Act Section 1101 provides that "if any person liable to pay any tax neglects or refuses to pay the same after demand", the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Illinois upon all property and rights to property, whether real or personal, belonging to such person.

MILITARY

(Also See Subtraction Modifications)

IT 93-0130 *General Information Letter:* 08/23/1993 Response to a survey regarding Illinois income tax treatment of military personnel.

MISCELLANEOUS

IT 93-0131 *General Information Letter:* 08/24/1993 Response to a survey.

PUBLIC LAW 86-272/NEXUS

IT 93-0144 *General Information Letter:* 09/28/1993 General discussion of the principles utilized in determining the existence of nexus.

RATE OF TAX

IT 93-0136 *General Information Letter:* 09/07/1993 The corporate income tax rate of 4.8% was made permanent.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 93-0142 *General Information Letter:* 09/22/1993 Section 1200.110(a) of the Department's rules requires that a request for a private letter ruling must be made by, or on behalf of, an identified taxpayer.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONE

IT 93-0145 *General Information Letter:* 09/29/1993 Illinois Income Tax Act Section 203(a)(2)(I) provides for a subtraction in an amount equal to those dividends includes in such total as were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. OBLIGATIONS

IT 93-0138 *General Information Letter:* 09/08/1993 Publication 101 provides a list of U.S. Government obligations. The income from those obligations listed in Publication 101 is not subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 93-0129 *General Information Letter:* 08/13/1993 This letter responds to an inquiry concerning whether distributions to a retired employee from a profit sharing plan are subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 93-0137 *General Information Letter:* 09/08/1993 Income from obligations issued by the Financing Corporation (FICO) is not subject to Illinois income taxation.

IT 93-0148 *General Information Letter:* 09/29/1993 Response to a questionnaire concerning state tax treatment of mutual fund dividends.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

TRUSTS

IT 93-0125 *General Information Letter:* 07/12/1993 Response to a computer software developer relative to the taxation of charitable remainder trusts.

IT 93-0126 *General Information Letter:* 07/13/1993 The determination of net income of a trust or estate begins with the taxable income properly reportable for federal income tax purposes.

UNITARY

(Also See Combined Unitary Return)

IT 93-0135 *General Information Letter:* 09/07/1993 Illinois has utilized the unitary business principle of taxation of business and non-business income for several years.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 93-0140 *General Information Letter:* 09/22/1993 The voluntary disclosure program is a program through which non-filing taxpayers may voluntarily come forward and file returns. The taxpayer in this instance is not a non-filer with respect to the tax which is the subject of the voluntary disclosure inquiry. Therefore, the taxpayer is not eligible for the voluntary disclosure program.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1, et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1993. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	
Payroll Factor	

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

NOTICE OF PUBLIC INFORMATION

- (Also See Subtraction Modifications - Valuation Limitation)
 Check Off Funds
 Circuit Breaker
 Claims for Refund: See Refunds
 Collection
 Combined Unitary Return (Also See Unitary)
 Commercial Domicile
 Compensation
 Composite Returns
 Confidentiality
 Credits
 Coal Research and Utilization
 Credit for Replacement Tax Paid
 Enterprise Zone Investment
 Foreign Tax
 High Impact Business Investment
 Jobs Tax
 Replacement Tax Investment
 Research and Development
 Training Expense
 Other Rulings (Not Included Above)
 Deficiencies
 Definitions
 Domestic International Sales Corporations (DISCs)
 Elections: See Combined Unitary Return, Extensions, Unitary Enterprise Zones
 Enterprise Zones (Also See Credits, Subtraction Modifications)
 Erroneous Refund: See Refunds
 Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Nuclear Decommissioning Trusts
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties
- Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Apportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 Interest on Refunds and Deficiencies
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)
- Replacement Tax (Also See Credits)
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings (Not Included Above)
 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings
- (Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings (Not Included Above)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Not Included Above)
Taxability in Other States
Taxable Year

Transferees
(Also See Sales Outside the Ordinary
Course of Business (Bulk Sales))
Transportation Services: See Appor-
tionment

Trusts
Uniform Penalty and
Interest Act

Unitary
(Also See Combined Unitary Return)
U.S. Government Obligations: See
Subtraction Modifications

Valuation Limitation: See Subtraction
Modifications
Voluntary Disclosure Agreements
Waiver on Assessments: See Assess-
ment
Withholding
Employee Benefits
Exemptions
Personal Service Contracts
(ITA §1405.2)
Reciprocal Agreements
Other Rulings
(Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991 and 1992 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Office of the General Counsel
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

ALLOCATION

(For Alternative Allocation Rulings, See that Heading)

IT 93-0139 *General Information Letter:* 09/08/1993 Article 3 of the Illinois Income Tax Act governs allocation and apportionment of base income.

ALTERNATIVE ALLOCATION

IT 93-0132 *General Information Letter:* 08/24/1993 Denial of a petition for alternative apportionment.

IT 93-0133 *General Information Letter:* 08/27/1993 Denial of a petition for alternative apportionment.

IT 93-0146 *General Information Letter:* 09/29/1993 Denial of a petition for alternative allocation.

IT 93-0147 *General Information Letter:* 09/29/1993 Denial of a petition for alternative allocation.

COLLECTION

IT 93-0128 *General Information Letter:* 08/12/1993 Response to a questionnaire pertaining to garnishment of wages.

CREDITS - FOREIGN TAX

IT 93-0143 *General Information Letter:* 09/27/1993 This letter provides a response to a question concerning the ability of an Illinois resident individual shareholder to claim a foreign tax credit for the shareholder's share of personal income taxes paid to the State of Utah by the S corporation on his behalf.

EXEMPT ORGANIZATIONS

IT 93-0134 *General Information Letter:* 09/03/1993 Response to a survey concerning the income tax return filing obligations of an exempt organization in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 93-0142 *General Information Letter: 09/22/1993* Section 1200.110(a) of the Department's rules requires that a request for a private letter ruling must be made by, or on behalf of, an identified taxpayer.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONE

IT 93-0145 *General Information Letter: 09/29/1993* Illinois Income Tax Act Section 203(a)(2)(i) provides for a subtraction in an amount equal to those dividends includes in such total as were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. OBLIGATIONS

IT 93-0138 *General Information Letter: 09/08/1993* Publication 101 provides a list of U.S. Government obligations. The income from those obligations listed in Publication 101 is not subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 93-0129 *General Information Letter: 08/13/1993* This letter responds to an inquiry concerning whether distributions to a retired employee from a profit sharing plan are subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 93-0137 *General Information Letter: 09/08/1993* Income from obligations issued by the Financing Corporation (FICO) is not subject to Illinois income taxation.

IT 93-0148 *General Information Letter: 09/29/1993* Response to a questionnaire concerning state tax treatment of mutual fund dividends.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

LETTER RULING PROCEDURES

IT 93-0127 *General Information Letter: 07/15/1993* The Department's current policy is to research and respond to letter ruling requests in the order in which they are received, to the greatest extent possible.

LIENS

IT 93-0141 *General Information Letter: 09/22/1993* Illinois Income Tax Act Section 1101 provides that "if any person liable to pay any tax neglects or refuses to pay the same after demand", the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Illinois upon all property and rights to property, whether real or personal, belonging to such person.

MILITARY

(Also See Subtraction Modifications)

IT 93-0130 *General Information Letter: 08/23/1993* Response to a survey regarding Illinois income tax treatment of military personnel.

MISCELLANEOUS

IT 93-0131 *General Information Letter: 08/24/1993* Response to a survey.

PUBLIC LAW 86-272/NEXUS

IT 93-0144 *General Information Letter: 09/28/1993* General discussion of the principles utilized in determining the existence of nexus.

RATE OF TAX

IT 93-0136 *General Information Letter: 09/07/1993* The corporate income tax rate of 4.8% was made permanent.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

TRUSTS

IT 93-0125 *General Information Letter:* 07/12/1993 Response to a computer software developer relative to the taxation of charitable remainder trusts.

IT 93-0126 *General Information Letter:* 07/13/1993 The determination of net income of a trust or estate begins with the taxable income properly reportable for federal income tax purposes.

UNITARY

(Also See Combined Unitary Return)

IT 93-0135 *General Information Letter:* 09/07/1993 Illinois has utilized the unitary business principle of taxation of business and non-business income for several years.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 93-0140 *General Information Letter:* 09/22/1993 The voluntary disclosure program is a program through which non-filing taxpayers may voluntarily come forward and file returns. The taxpayer in this instance is not a non-filer with respect to the tax which is the subject of the voluntary disclosure inquiry. Therefore, the taxpayer is not eligible for the voluntary disclosure program.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1, et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1993. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	
Payroll Factor	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Subtraction Modifications - Valuation Limitation)
 Check Off Funds
 Circuit Breaker
 Claims for Refund: See Refunds
 Collection
 Combined Unitary Return (Also See Unitary)
 Commercial Domicile
 Compensation
 Composite Returns
 Confidentiality
 Credits
 Coal Research and Utilization
 Credit for Replacement Tax Paid
 Enterprise Zone Investment
 Foreign Tax
 High Impact Business Investment
 Jobs Tax
 Replacement Tax Investment
 Research and Development Training Expense
 Other Rulings (Not Included Above)
 Deficiencies
 Definitions
 Domestic International Sales Corporations (DISCs)
 Elections: See Combined Unitary Return, Extensions, Unitary
 Enterprise Zones (Also See Credits, Subtraction Modifications)
 Erroneous Refund: See Refunds
 Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Nuclear Decommissioning Trusts
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties

Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Apportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 Interest on Refunds and Deficiencies
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings (Not Included Above)

Replacement Tax (Also See Credits)
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings (Not Included Above)
 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

NOTICE OF PUBLIC INFORMATION

(Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees
 (Also See Sales Outside the Ordinary
 Course of Business (Bulk Sales))
 Transportation Services: See Appor-
 tionment
 Trusts
 Uniform Penalty and
 Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See
 Subtraction Modifications

Valuation Limitation: See Subtraction
 Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assess-
 ment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (IITA §1405.2)
 Reciprocal Agreements
 Other Rulings
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991 and 1992 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

1993 THIRD QUARTER SUNSHINE INDEX

ALLOCATION

(For Alternative Allocation Rulings, See that Heading)

IT 93-0139 *General Information Letter*: 09/08/1993 Article 3 of the Illinois Income Tax Act governs allocation and apportionment of base income.

ALTERNATIVE ALLOCATION

IT 93-0132 *General Information Letter*: 08/24/1993 Denial of a petition for alternative apportionment.

IT 93-0133 *General Information Letter*: 08/27/1993 Denial of a petition for alternative apportionment.

IT 93-0146 *General Information Letter*: 09/29/1993 Denial of a petition for alternative allocation.

IT 93-0147 *General Information Letter*: 09/29/1993 Denial of a petition for alternative allocation.

COLLECTION

IT 93-0128 *General Information Letter*: 08/12/1993 Response to a questionnaire pertaining to garnishment of wages.

CREDITS - FOREIGN TAX

IT 93-0143 *General Information Letter*: 09/27/1993 This letter provides a response to a question concerning the ability of an Illinois resident individual shareholder to claim a foreign tax credit for the shareholder's share of personal income taxes paid to the State of Utah by the S corporation on his behalf.

EXEMPT ORGANIZATIONS

IT 93-0134 *General Information Letter*: 09/03/1993 Response to a survey concerning the income tax return filing obligations of an exempt organization in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

LETTER RULING PROCEDURES

IT 93-0127 *General Information Letter: 07/15/1993* The Department's current policy is to research and respond to letter ruling requests in the order in which they are received, to the greatest extent possible.

LIENS

IT 93-0141 *General Information Letter: 09/22/1993* Illinois Income Tax Act Section 1101 provides that "if any person liable to pay any tax neglects or refuses to pay the same after demand", the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Illinois upon all property and rights to property, whether real or personal, belonging to such person.

MILITARY

(Also See *Subtraction Modifications*)

IT 93-0130 *General Information Letter: 08/23/1993* Response to a survey regarding Illinois income tax treatment of military personnel.

MISCELLANEOUS

IT 93-0131 *General Information Letter: 08/24/1993* Response to a survey.

PUBLIC LAW 86-272/NEXUS

IT 93-0144 *General Information Letter: 09/28/1993* General discussion of the principles utilized in determining the existence of nexus.

RATE OF TAX

IT 93-0136 *General Information Letter: 09/07/1993* The corporate income tax rate of 4.8% was made permanent.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 93-0142 *General Information Letter: 09/22/1993* Section 1200.110(a) of the Department's rules requires that a request for a private letter ruling must be made by, or on behalf of, an identified taxpayer.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONE

IT 93-0145 *General Information Letter: 09/29/1993* Illinois Income Tax Act Section 203(a)(2)(f) provides for a subtraction in an amount equal to those dividends includes in such total as were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. OBLIGATIONS

IT 93-0138 *General Information Letter: 09/08/1993* Publication 101 provides a list of U.S. Government obligations. The income from those obligations listed in Publication 101 is not subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 93-0129 *General Information Letter: 08/13/1993* This letter responds to an inquiry concerning whether distributions to a retired employee from a profit sharing plan are subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 93-0137 *General Information Letter: 09/08/1993* Income from obligations issued by the Financing Corporation (FICO) is not subject to Illinois income taxation.

IT 93-0148 *General Information Letter: 09/29/1993* Response to a questionnaire concerning state tax treatment of mutual fund dividends.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

TRUSTS

IT 93-0125 *General Information Letter: 07/12/1993* Response to a computer software developer relative to the taxation of charitable remainder trusts.

IT 93-0126 *General Information Letter: 07/13/1993* The determination of net income of a trust or estate begins with the taxable income properly reportable for federal income tax purposes.

UNITARY

(Also See *Combined Unitary Return*)

IT 93-0135 *General Information Letter: 09/07/1993* Illinois has utilized the unitary business principle of taxation of business and non-business income for several years.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 93-0140 *General Information Letter: 09/22/1993* The voluntary disclosure program is a program through which non-filing taxpayers may voluntarily come forward and file returns. The taxpayer in this instance is not a non-filer with respect to the tax which is the subject of the voluntary disclosure inquiry. Therefore, the taxpayer is not eligible for the voluntary disclosure program.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1, et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1993. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	
Payroll Factor	

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Subtraction Modifications - Valuation Limitation)
 Check Off Funds
 Circuit Breaker
 Claims for Refund: See Refunds
 Collection
 Combined Unitary Return (Also See Unitary)
 Commercial Domicile
 Compensation
 Composite Returns
 Confidentiality
 Credits
 Coal Research and Utilization
 Credit for Replacement Tax Paid
 Enterprise Zone Investment
 Foreign Tax
 High Impact Business Investment
 Jobs Tax
 Replacement Tax Investment
 Research and Development
 Training Expense
 Other Rulings
 (Not Included Above)
 Deficiencies
 Definitions
 Domestic International Sales Corporations (DISCs)
 Elections: See Combined Unitary Return, Extensions, Unitary
 Enterprise Zones
 (Also See Credits, Subtraction Modifications)
 Erroneous Refund: See Refunds
 Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Nuclear Decommissioning Trusts
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties

Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Apportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications,
 Credits--Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings
 (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See
 Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings
 (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings
 (Not Included Above)

Replacement Tax
 (Also See Credits)
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings
 (Not Included Above)
 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

NOTICE OF PUBLIC INFORMATION

(Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees
 (Also See Sales Outside the Ordinary
 Course of Business (Bulk Sales))
 Transportation Services: See Appor-
 tionment
 Trusts
 Uniform Penalty and
 Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See
 Subtraction Modifications

Valuation Limitation: See Subtraction
 Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assess-
 ment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (ITTA §1405.2)
 Reciprocal Agreements
 Other Rulings
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991 and 1992 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

1993 THIRD QUARTER SUNSHINE INDEX

ALLOCATION
 (For Alternative Allocation Rulings, See that Heading)

IT 93-0139 *General Information Letter:* 09/08/1993 Article 3 of the Illinois Income Tax Act governs allocation and apportionment of base income.

ALTERNATIVE ALLOCATION

IT 93-0132 *General Information Letter:* 08/24/1993 Denial of a petition for alternative apportionment.

IT 93-0133 *General Information Letter:* 08/27/1993 Denial of a petition for alternative apportionment.

IT 93-0146 *General Information Letter:* 09/29/1993 Denial of a petition for alternative allocation.

IT 93-0147 *General Information Letter:* 09/29/1993 Denial of a petition for alternative allocation.

COLLECTION

IT 93-0128 *General Information Letter:* 08/12/1993 Response to a questionnaire pertaining to garnishment of wages.

CREDITS - FOREIGN TAX

IT 93-0143 *General Information Letter:* 09/27/1993 This letter provides a response to a question concerning the ability of an Illinois resident individual shareholder to claim a foreign tax credit for the shareholder's share of personal income taxes paid to the State of Utah by the S corporation on his behalf.

EXEMPT ORGANIZATIONS

IT 93-0134 *General Information Letter:* 09/03/1993 Response to a survey concerning the income tax return filing obligations of an exempt organization in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 93-0142 *General Information Letter: 09/22/1993* Section 1200.110(a) of the Department's rules requires that a request for a private letter ruling must be made by, or on behalf of, an identified taxpayer.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONE

IT 93-0145 *General Information Letter: 09/29/1993* Illinois Income Tax Act Section 203(a)(2)(J) provides for a subtraction in an amount equal to those dividends includes in such total as were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts substantially all of its operations in an Enterprise Zone or zones.

SUBTRACTION MODIFICATIONS - INTEREST ON U.S. OBLIGATIONS

IT 93-0138 *General Information Letter: 09/08/1993* Publication 101 provides a list of U.S. Government obligations. The income from those obligations listed in Publication 101 is not subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 93-0129 *General Information Letter: 08/13/1993* This letter responds to an inquiry concerning whether distributions to a retired employee from a profit sharing plan are subject to Illinois income taxation.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 93-0137 *General Information Letter: 09/08/1993* Income from obligations issued by the Financing Corporation (FICO) is not subject to Illinois income taxation.

IT 93-0148 *General Information Letter: 09/29/1993* Response to a questionnaire concerning state tax treatment of mutual fund dividends.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

LETTER RULING PROCEDURES

IT 93-0127 *General Information Letter: 07/15/1993* The Department's current policy is to research and respond to letter ruling requests in the order in which they are received, to the greatest extent possible.

LIENS

IT 93-0141 *General Information Letter: 09/22/1993* Illinois Income Tax Act Section 1101 provides that "if any person liable to pay any tax neglects or refuses to pay the same after demand", the amount (including any interest, additional amount, addition to tax, or assessable penalty together with any costs that may accrue in addition thereto) shall be a lien in favor of the State of Illinois upon all property and rights to property, whether real or personal, belonging to such person.

MILITARY

(Also See *Subtraction Modifications*)

IT 93-0130 *General Information Letter: 08/23/1993* Response to a survey regarding Illinois income tax treatment of military personnel.

MISCELLANEOUS

IT 93-0131 *General Information Letter: 08/24/1993* Response to a survey.

PUBLIC LAW 86-272/NEXUS

IT 93-0144 *General Information Letter: 09/28/1993* General discussion of the principles utilized in determining the existence of nexus.

RATE OF TAX

IT 93-0136 *General Information Letter: 09/07/1993* The corporate income tax rate of 4.8% was made permanent.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1993 THIRD QUARTER SUNSHINE INDEX

TRUSTS

IT 93-0125 *General Information Letter: 07/12/1993* Response to a computer software developer relative to the taxation of charitable remainder trusts.

IT 93-0126 *General Information Letter: 07/13/1993* The determination of net income of a trust or estate begins with the taxable income properly reportable for federal income tax purposes.

UNITARY

(Also See *Combined Unitary Return*)

IT 93-0135 *General Information Letter: 09/07/1993* Illinois has utilized the unitary business principle of taxation of business and non-business income for several years.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 93-0140 *General Information Letter: 09/22/1993* The voluntary disclosure program is a program through which non-filing taxpayers may voluntarily come forward and file returns. The taxpayer in this instance is not a non-filer with respect to the tax which is the subject of the voluntary disclosure inquiry. Therefore, the taxpayer is not eligible for the voluntary disclosure program.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Department of Alcoholism and Substance Abuse

Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

Code Citation: 77 Ill. Adm. Code 2090

Sections Involved:
2090.20
2090.35
2090.40
2090.70
2090.100
2090.110

Notice of Proposal Published in Illinois Register: April 1, 1994

Statutory Authority: Illinois Alcoholism and other Drug Dependency Act, Article IV, [20ILCS 305/4-101].

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the propose rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Carnival-Amusement Safety Board

Heading of the Part: Carnival and Amusement Ride Inspection Law

Code Citation: 56 Ill. Adm. Code 6000

Sections Involved:

6000.10	6000.100	6000.160	6000.270	6000.330
6000.30	6000.110	6000.170	6000.280	6000.340
6000.40	6000.120	6000.190	6000.290	
6000.65	6000.130	6000.220	6000.300	
6000.70	6000.140	6000.250	6000.310	
6000.80	6000.150	6000.260	6000.320	

Notice of Proposal Published in Illinois Register: April 22, 1994

Statutory Authority: Carnival and Amusement Rides Safety Act, [430 ILCS 85/2-1 et seq.].

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the propose rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

A public hearing will be held as follows: May 25, 1994, 1 p.m., Illinois Department of Labor, #1 W. Old State Capitol Plaza, Room 300, Springfield, Illinois 62701

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF EMPLOYMENT SECURITY

Heading of Part: Notices, Records, Reports

Code Citation: 56 Ill Adm Code 2760

Date Originally Published in the Illinois Register: 2/18/94
18 Ill Reg 2631

At its meeting on April 19, 1994, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Employment Security entitled Notices, Records, Reports (56 Ill Adm Code 2760), because the Department failed to consider the adverse economic effects of the 3/15/94 application deadline for the waiver of the electronic filing requirements adopted by the Department on 12/27/93.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL INSTITUTIONS

Heading of Part: Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges

Code Citation: 38 Ill Adm Code 130

Section Numbers: 130.10, 130.30, 130.60

Date Originally Published in Illinois Register: May 14, 1990

Date Filing Prohibition Published in Illinois Register: December 3, 1993

Date Filing Prohibition Became Effective: November 18, 1993

Date Filing Prohibition Withdrawn: April 19, 1994

The Joint Committee on Administrative Rules hereby Certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act and based on the withdrawal of the rulemaking by the Department of Financial Institutions, the Joint Committee, at its meeting on April 19, 1994, has withdrawn the prohibition against the filing of the Department's rulemaking entitled "Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges". The Committee originally issued this prohibition at its November 16, 1993 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 19, 1994 through April 25, 1994, and have been scheduled for review by the Committee at its May 17, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/3/94	<u>Illinois Student Assistance Commission, Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)</u>	1/28/94 18 Ill Reg 1013	5/17/94
6/3/94	<u>Illinois Student Assistance Commission, Illinois National Guard Grant Program (23 Ill Adm Code 2730)</u>	1/28/94 18 Ill Reg 1058	5/17/94
6/3/94	<u>Illinois Student Assistance Commission, Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)</u>	1/28/94 18 Ill Reg 1064	5/17/94
6/3/94	<u>Illinois Student Assistance Commission, Paul Douglas Teacher Scholarship Program (23 Ill Adm Code 2762)</u>	1/28/94 18 Ill Reg 1089	5/17/94
6/3/94	<u>Illinois Student Assistance Commission, Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill Adm Code 2763)</u>	1/28/94 18 Ill Reg 1080	5/17/94
6/5/94	<u>Department of Transportation, Motor Carrier Safety Regulations: General (92 Ill Adm Code 390)</u>	2/25/94 18 Ill Reg 2912	5/17/94
6/5/94	<u>Department of Transportation, Driving of Motor Vehicles (92 Ill Adm Code 392)</u>	2/25/94 18 Ill Reg 2909	5/17/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
6/8/94	<u>Environmental Protection Agency, Clean Air Act Permit Program Procedures (35 Ill Adm Code 270)</u>	10/8/93 17 Ill Reg 16325	5/17/94
6/8/94	<u>Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)</u>	2/18/94 18 Ill Reg 2587	5/17/94
6/8/94	<u>Department of Public Aid, Rights and Responsibilities (89 Ill Adm Code 102)</u>	2/18/94 18 Ill Reg 2602	5/17/94
6/8/94	<u>Department of Public Aid, Food Stamps (89 Ill Adm Code 121)</u>	2/14/94 18 Ill Reg 2178	5/17/94
6/8/94	<u>Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)</u>	12/31/93 17 Ill Reg 22321	5/17/94

EXECUTIVE ORDER
94-4

DANVILLE SEWAGE TREATMENT FACILITY

Whereas, the Danville area in the County of Vermilion has suffered from heavy rainfall and flooding of a magnitude unparalleled in this Century, threatening the public health, safety and welfare of many of its residents;

Whereas, the County of Vermilion has been declared a state disaster area pursuant to the provisions of Section 7 of the Illinois Emergency Management Act;

Whereas, the normal functions and regulations of government should not act as an impediment to these citizens as they recover during the next several weeks and months from the heavy rainfall and flooding;

Whereas, the sewage treatment facility serving the Danville area owned, maintained and operated by the Danville Sanitary District, Vermilion County, has been forced to shut down; raw, untreated sewage is being discharged into Illinois waterways each day that the sewage treatment facility is shut down; and the damage to the sewage treatment facility is likely to be extensive and to exceed \$40,000;

Whereas, Section 11 of the Sanitary District Act of 1917 prohibits the Danville Sanitary District from entering into contracts for the repair of the sewage treatment facility totaling more than \$40,000 unless the contracts are competitively bid upon at least 14 days public notice of the terms and conditions of the contract;

Whereas, given the nature of the damage to the sewage treatment facility and its current flooded condition the specifications for bid documents cannot easily be determined;

Whereas, strict compliance with the public advertisement and competitive bidding requirements of Section 11 of the Illinois Sanitary District Act of 1917 by the Danville Sanitary District will unduly delay the repair of the sewage treatment facility, and such delay will substantially threaten the health, safety and welfare of Illinois' citizens;

Whereas, such delay will impede, hinder, or prevent any necessary action by the Illinois Emergency Management Agency in coping with the disaster, including coordination of emergency disaster assistance and implementation of emergency management programs for mitigation, preparedness, response, and recovery;

Therefore, pursuant to the power vested in me by Article V, Section 8 of the Illinois Constitution, and Section 7 of the Illinois Emergency Management Agency Act, I, Jim Edgar, hereby order the following:

To the extent necessary to repair the damage to the Danville sewage treatment facility caused by recent flooding, the public advertisement and competitive bidding requirements of Section 11 of the Illinois Sanitary District Act of 1917 are suspended as to

contracts totaling more than \$40,000 to be let by the Danville Sanitary District for the repair of the Danville sewage treatment facility, provided that competitive negotiation is used by the Danville Sanitary District.

This order shall take effect immediately.

Issued by the Governor April 19, 1994.

Filed with the Secretary of State April 19, 1994.

PROCLAMATION

94-158

DISASTER AREAS - CHAMPAIGN AND IROQUOIS COUNTIES

Torrential rains and heavy thunderstorms on April 11, 1994 delivered four to eight inches of rainfall throughout central Illinois which created flash flooding and flooding along the Iroquois, Embarras, Salt Fork Rivers and their tributaries. This has caused a disruption of public services to farms and agricultural levees, local roads, homes and other properties.

In the interest of aiding the affected counties and their citizens thereby mitigating the threat to public health and safety, I hereby declare Champaign and Iroquois counties to be State of Illinois disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster mitigation throughout the county. This declaration will also provide for the reassessment of real and personal property and make possible any requests for Federal disaster assistance.

Issued by the Governor April 18, 1994.

Filed with the Secretary of State April 18, 1994.

94-159

CHRISTIAN HERITAGE WEEK

Whereas, religious holidays, festivals, and celebrations add to the cultural mosaic of our State; and

Whereas, churches are a functional part of the communities in our state, often providing charitable assistance to our citizens; and

Whereas, it is important to designate a time to center attention on the religious heritage of our state and nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim August 28-September 3, 1994, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor April 5, 1994.

Filed with the Secretary of State April 22, 1994.

94-160

DARRYL HARTLEY-LEONARD AND HYATT HOTELS CORPORATION DAY

Whereas, Variety Club Children's Charities will honor Darryl Hartley-Leonard, President, Hyatt Hotels Corporation, with the Golden Heart Award; and

Whereas, Darryl Hartley-Leonard and Hyatt Hotels Corporation have long supported Variety Club and its work with underprivileged, physically- and mentally-challenged, and abused children; and

Whereas, for 50 years the Variety Club Children's Charities has sponsored programs such as the Fishing Derby, Rehabilitation Institute, Holiday Party, Children's Carnival, and Sunshine Coach to meet the physical and social needs of these children; and

Whereas, the proceeds from the Golden Heart Award Dinner will benefit the Ann and Jack Sparberg Amputee Program at the Rehabilitation Institute of Chicago--an organization renowned for its work in prosthetic development and rehabilitation;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim April 30, 1994, as DARRYL HARTLEY-LEONARD AND HYATT HOTELS CORPORATION DAY in Illinois and urge out citizens to join me in congratulating Darryl and the Hyatt Hotels Corporation for their support of Variety Club Children's Charities.

Issued by the Governor April 13, 1994.

Filed with the Secretary of State April 22, 1994.

94-161

SCIENTIFIC LITERACY WEEK

Whereas, we live in an increasingly competitive and technological world; and

Whereas, a world-class workforce for Illinois in the future will require strong competencies in science, mathematics, and technology; and

Whereas, Illinois schools, colleges, universities, and technical training facilities must work together to address the preparation of this scientifically literate workforce; and

Whereas, a united effort among education, business, industry, and communities will create new opportunities to achieve scientific and technological literacy among Illinois citizens and to achieve a world-class workforce; and

Whereas, April 24-30 in National Science and Technology Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-30, 1994, as SCIENTIFIC LITERACY WEEK in Illinois, and urge all citizens to support science, mathematics, and technology education efforts in their schools and communities.

Issued by the Governor April 13, 1994.

Filed with the Secretary of State April 22, 1994.

94-162

E.M. (BUCK) CHASTAIN DAY

Whereas, E.M. (Buck) Chastain, born December 19, 1911, in Chanute, Kansas, has been a Decatur, Illinois, resident since the early 1950s; and

Whereas, Buck and Alice Rose Marsh, married August 6, 1934, have three daughters--Mary Ann (Little), Jane Lynn (Mercer), and Julie Alyce--and are the grandparents of Christopher, Michael, and Allison Little, and Zachary and Gwendolyn Mercer; and

Whereas, Buck received a bachelor of science degree in business administration from Baker University in Baldwin, Kansas, in 1934; and

Whereas, he held positions with the Federal Reserve Bank and Firestone Tire and Rubber Company before he was inducted into the United States Navy Reserves in 1943 and released to inactive duty as Lieutenant Commander in 1946, and he held several other positions afterward, including those with Montgomery Ward and Encyclopaedia Britannica; and

Whereas, in 1954, Buck became co-founder and partner in Homer L. Chastain and Associates, a consulting engineer firm in Decatur, and remained a partner there until 1979. He has served since that time as management consultants; and

Whereas, Buck served as chairman of the board of Magna/Millikin National Bank from 1987 to 1990 is a member of the National Society of Professional Engineers, the Illinois Society of Professional Engineers, the Society of American Military Engineers, and the Illuminating Engineers Society, among many other community organizations; and

Whereas, Buck is retiring this year from Homer L. Chastain and Associates, which he will celebrate with friends on April 15, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 15, 1994, as E.M. (BUCK) CHASTAIN DAY in Illinois and wish him an enjoyable retirement.

Issued by the Governor April 14, 1994.

Filed with the Secretary of State April 22, 1994.

94-163

GROUNDWATER PROTECTION MONTH

Whereas, nearly 97 percent of Illinois' rural citizens rely on groundwater drawn from more than 400,000 wells; and

Whereas, the Illinois Groundwater Protection Act and other laws have established standards for the protection of water wells and the monitoring of groundwater quality; and

Whereas, all well owners should be encouraged to learn about and use available information to protect our invaluable groundwater resource; and

Whereas, protecting groundwater requires the management of land around wells to prevent contamination in groundwater recharge areas; and

Whereas, community planning and other local actions are among the most useful tools available for groundwater protection and communities should be encouraged to make use of available information when formulating plans and implementing policies;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as GROUNDWATER PROTECTION MONTH in Illinois. I commend private well owners, local governments, water well drillers, regional groundwater protection planning committees, private organizations, and state agencies who have acted to protect our State's groundwater and to enhance the community's vital role in land use planning and demonstrating groundwater protection measures. I further urge citizens to become better informed about the need for and value of groundwater protection and to make full use of the available information to guide their future actions toward protecting Illinois' precious groundwater resources.

Issued by the Governor April 14, 1994.

Filed with the Secretary of State April 22, 1994.

94-164

MONSIGNOR EDWARD J. DUNCAN DAY

Whereas, Reverend Monsignor Edward J. Duncan, a LaSalle, Illinois native, was ordained to the priesthood in 1941 and has served as the director of the Newton Foundation and chaplain to the Catholic students at the University of Illinois since 1943; and

Whereas, as head of the Foundation, Monsignor Duncan serves a Catholic student body of nearly 10,000, is a member and chaplain of Phi Kappa Theta fraternity, chaplain of the Student Illini Council, and has been appointed by the University of Illinois Athletic Director as chaplain to all university athletes; and

Whereas, Monsignor Duncan has actively advocated the role religious and theological studies in secular universities and,

through his leadership of the Newman Foundation, conducts a series of fully accredited courses in theology;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24, 1994, as MONSIGNOR EDWARD J. DUNCAN DAY in Illinois in honor of his 50 years of service to the University of Illinois.

Issued by the Governor April 14, 1994.

Filed with the Secretary of State April 22, 1994.

94-165

SMILES FOR LITTLE CITY DAYS

Whereas, for 35 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and

Whereas, on October 7-8, 1994, Little City Foundation will hold its annual "Smiles for Little City" Tag Days throughout the State; and

Whereas, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort; and

Whereas, they are ably supported by governmental, business, and labor leaders across the State;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 7-8, 1994, as SMILES FOR LITTLE CITY DAYS in Illinois.

Issued by the Governor April 14, 1994.

Filed with the Secretary of State April 22, 1994.

94-166

GEORGE HOVANEC APPRECIATION DAY

Whereas, George Hovanec has distinguished himself in countless ways as an analyst, division chief, and deputy director of the Bureau of the Budget; and

Whereas, George Hovanec has demonstrated superior intellectual prowess in wrestling with revenue shortfalls and cost-cutting initiatives; and

Whereas, George Hovanec has selflessly given of his time as a true public servant; and

Whereas, George Hovanec has provided solid leadership and direction for budgetary rookies and veterans alike; and

Whereas, George Hovanec's wry sense of humor, patience, flexibility, hard work, and grace under pressure have brightened and enhanced the work environment of the Bureau of the Budget for 15 years; and

Whereas, George Hovanec's competence, professionalism, and

problem-solving skills have won the praise of governors, legislative leaders, Wall Street analysts, agency directors, interest groups, and countless others; and

Whereas, George Hovanec has agreed to use his considerable talents to address our state's most dramatic financial and programmatic challenge and to keep direct of massive restructuring of the Medicaid program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 15, 1994, as GEORGE HOVANEC APPRECIATION DAY in Illinois, reflecting the gratitude of many for the contributions George has made to the Illinois Bureau of the Budget.

Issued by the Governor April 15, 1994.

Filed with the Secretary of State April 22, 1994.

94-167

KIM DEAKINS, JANELLE KING, AND MARY MURPHY DAY

Whereas, Kim Deakins, Janelle King, and Mary Murphy of Watseka, Illinois, will receive a Make A Difference Day Award from USA WEEKEND on April 21, 1994 for their selfless contributions to their fellow citizens; and

Whereas, in 1993, Make A Difference Day encouraged 1,000 individuals in the Watseka community to extend a helping hand to their neighbors in need; and

Whereas, inspired by the theme "Hands, Hearts and Hammers" and the pink ribbon campaign, volunteers gathered clothing, toiletries, and food for a community shelter and food bank; renovated a shelter for abused women; cleaned parks and performed many acts of kindness to their neighbors; and

Whereas, Miss King, Miss Deakins, and Ms. Murphy's efforts raised more than \$5,500 for the Iroquois County Boys and Girls Club, and as award winners will receive a \$1,000 prize to contribute to the club; and

Whereas, their display of volunteerism has inspired community activism that continues to impact the Watseka community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21, 1994, as KIM DEAKINS, JANELLE KING, AND MARY MURPHY DAY in Illinois.

Issued by the Governor April 15, 1994.

Filed with the Secretary of State April 22, 1994.

94-168

SUICIDE PREVENTION WEEK/SURVIVORS OF SUICIDE DAY

Whereas, all levels of society are vulnerable to suicide, which is the eighth cause of death for all ages and the third leading cause of death among young people; and

Whereas, there are 30,000 reported suicide deaths in the nation every year. This represent not only a tragic waste of human life, but untold suffering for the family and friends; and

Whereas, suicide is now considered a symptom associated with some of the most treatable psychiatric illnesses; and

Whereas, is it necessary to regard suicide as a major health problem and to support educational programs, research projects, and intervention services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1994, as SUICIDE PREVENTION WEEK and May 1, 1994, as SURVIVORS OF SUICIDE DAY in Illinois.

Issued by the Governor April 15, 1994.

Filed with the Secretary of State April 22, 1994.

94-169

DAY OF PRAYER

"To pray together, in whatever tongue or ritual, is the most tender brotherhood of hope and sympathy that men can contact in this life." Madame De Staël, Corrine, Book X

Whereas, the observance of a National Day of Prayer has a long history in the United States, beginning with the Continental Congress in 1775, highlighted by an eloquent proclamation from Abraham Lincoln in 1863, and continuing now in the 41st consecutive observance since 1952; and

Whereas, the National Day of Prayer Task Force considers the event to be a vehicle for advancing moral and spiritual values throughout the land and a means of serving the people, and will hold Prayer Rally at the Capitol May 5;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1994, as DAY OF PRAYER in Illinois, in conjunction with the national observance.

Issued by the Governor April 18, 1994.

Filed with the Secretary of State April 22, 1994.

94-170

JAMES M. BAILEY DAY

Whereas, Stephen Bailey and Margaret Cooney Bailey were born in Ireland and immigrated to the United States where they met in Chicago, married, and raised their family in Chicago's west side; and

Whereas, their third child and second son, James, was born April 15, 1934, graduated from St. Ignatius College Preparatory, John Carroll University, and Loyola University School of Law; and

Whereas, while attending school, James M. Bailey worked as a

plumber and served as a member of Local Union #130; and

Whereas, James M. Bailey began his legal career with the City of Chicago Corporation Counsel's Office, moved on to the U.S. Attorney's Office to try major criminal cases, including business fraud and organized crime cases, and then went into private practice with Ettelson, O'Hagan, Ehrlich & Frankel; and

Whereas, in 1965, James M. Bailey began his 28 years of service to the judiciary, serving 20 years in the Criminal Division of the Circuit Court of Cook County, where he was recognized as one of the finest trial judges in America. He consistently disposed of more cases than any other judge in the division and earned his tough but fair reputation among his peers; and

Whereas, Judge Bailey concluded his judicial career in the Law Division, presiding over complex civil jury trials, and in his combined years as a trial judge has most likely presided over more bench and jury trials than any other judge in the country; and

Whereas, the Honorable James M. Bailey and his loving wife, Barbara, have been married 37 years and have raised a wonderful family of four sons and a daughter; and

Whereas, on April 22, 1994, the friends, family, and colleagues of the Honorable James M. Bailey will hold a retirement party and testimonial in honor and recognition of his 28 years of service to the judiciary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1994, as JAMES M. BAILEY DAY in Illinois.

Issued by the Governor April 18, 1994.
Filed with the Secretary of State April 22, 1994.

94-171

CHICAGO COMMONS MONTH

Whereas, for 100 years, Chicago Commons has played an important role in assisting socially and economically disadvantaged families overcome the barriers of poverty; and

Whereas, while providing this vital assistance, the Chicago Commons has promoted self-sufficiency through literacy, parenting skills, and welfare-to-work programs; and

Whereas, the Chicago Commons became a leader in social welfare through such innovations as founding one of the first kindergartens in Chicago and establishing an exceptional program for gang intervention; and

Whereas, the Chicago Commons' unique concern and programs for the family -- from children, to adults, to the elderly -- has benefitted many throughout Chicago, making a model for social welfare agencies across the nation;

Whereas, 1994 marks Chicago Commons' 100th year of service to

the Chicago community;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim May 1994 as CHICAGO COMMONS MONTH in honor and recognition of the services provided to Chicago's families, infants, school children, teenagers, adults and senior citizens over the past 100 years.

Issued by the Governor April 19, 1994.

Filed with the Secretary of State April 22, 1994.

94-172

CHARLESTON AREA SENIOR CENTER DAY

Whereas, the month of May is traditionally a time to pay tribute to the indomitable spirit and strength of older Americans and a time to focus public attention on their needs, concerns, and accomplishments; and

Whereas, the Charleston Area Senior Center, located at 720 Sixth Street, Charleston, Illinois, will celebrate its 16th anniversary Tuesday, May 10, 1994; and

Whereas, the Charleston Area Senior Center is committed to improving the quality of life for residents of all ages in the Charleston area and providing educational and recreational programs for older adults; and

Whereas, the citizens of Charleston should respect and value the wisdom, strength, experience, and unlimited potential of the fastest growing segment of our nation's population;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10, 1994, as CHARLESTON AREA SENIOR CENTER DAY in Illinois, I urge all Charleston area residents to join me in this special recognition of the Charleston Area Senior Center, its participants, staff, and volunteers.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

94-173

COMMUNITY BANKING WEEK

Whereas, for more than a century, Illinois community banks and thrifts have acted as the community partner for local business, industry, and individuals; and

Whereas, the Community Bankers Association of Illinois is celebrating its 20th year of serving Illinois community banks; and

Whereas, more than 900 locally owned and operated community banks and thrifts with thousands of banking offices in Illinois have upheld a tradition to give back to their communities; and

Whereas, Illinois community banks and thrifts employ more

than 20,000 workers and serve more than two million account holders conscientiously and competitively; and

Whereas, on the average, more than 95 percent of a community financial institution's loan portfolio is reinvested in the local area as farm, commercial, small business, and residential loans; and

Whereas, Illinois community banks and thrifts are among the safest and most well-capitalized banks in our nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 13-18, 1994, as COMMUNITY BANKING WEEK in Illinois in recognition of their contribution to the economic vitality and continuing dedication to fulfilling the credit needs of the citizens of our state.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

94-174

CORRECTIONAL OFFICER WEEK

Whereas, through their professional supervision of convicted felons, correctional officers of the Illinois Department of Corrections enhance the safety and welfare of our citizens; and

Whereas, the men and women serving our state as correctional officers must maintain constant vigilance, providing safe, humane, constitutional, and secure incarceration of inmates; and

Whereas, throughout their careers, these public servants must face potentially dangerous situations with swift and appropriated action; and

Whereas, correctional officers are expected to work as a team and maintain their focus while handling the innate tensions associated with their jobs; and

Whereas, these highly trained employees strive to be fair, firm, and consistent with their charges while enforcing the rules and regulations of their institutions; and

Whereas, through their tireless and often heroic actions, our correctional officers have made the Illinois Department of Corrections one of the finest prison systems in the nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1994, as CORRECTIONAL OFFICER WEEK in Illinois in honor of the outstanding services these men and women provide.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

94-175

DYSLEXIA/LEARNING DISABILITIES MONTH

Whereas, learning disabilities threaten one of our most

precious rights--the right to learn; and

Whereas, one million adults and children throughout Illinois, including 15 percent of all school age children, suffer from dyslexia and other learning disabilities; and

Whereas, learning disabilities usually stem from delayed or distorted development of the central nervous system. Such disabilities can prevent normal learning behavior, even in individuals with average or above-average intelligence and can keep youngsters from reaching their full potential; and

Whereas, an individual approach is beneficial to these youngsters when dealing with their educational, psychological, and medical needs. Early diagnosis of their disabilities and proper remediation allow them to become productive citizens in our society; and

Whereas, organizations such as the Learning Disabilities Association of Illinois Inc. and the Illinois Branch of the Orton Dyslexia Society are instrumental in providing classes, tutor referrals, seminars, and information for the treatment of dyslexia and other learning disabilities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as DYSLEXIA/LEARNING DISABILITIES MONTH in Illinois.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

94-176

HOME EDUCATION WEEK

Whereas, the State of Illinois is committed to excellence in education; and

Whereas, the State of Illinois recognizes the importance of family support in educational programs; and

Whereas, home education was proven successful in the lives of George Washington, Thomas Edison, Helen Keller, Agatha Christie, Franklin Roosevelt, and others and may be administered in Illinois under statutory requirements of the school code;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1994, as HOME EDUCATION WEEK in Illinois.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

94-177

MATTOON AREA SENIOR CENTER DAY

Whereas, the month of May is traditionally a time to pay tribute to the indomitable spirit and strength of older Americans and a time to focus public attention on their needs, concerns,

and accomplishments; and

Whereas, the Mattoon Area Senior Center, located at 204 South 21st Street, will celebrate its 14th anniversary Monday, May 2, 1994; and

Whereas, the Mattoon Area Senior Center is committed to improving the quality of life for residents of all ages in the Mattoon area and providing educational and recreational programs for older adults; and

Whereas, the citizens of Mattoon should respect and value the wisdom, strength, experience, and unlimited potential of the fastest growing segment of our nation's population;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2, 1994, as MATTOON AREA SENIOR CENTER DAY in Illinois. I urge all Mattoon area residents to join me in this special recognition of the Mattoon Area Senior Center, its participants, staff, and volunteers.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

94-178

ZION MISSIONARY BAPTIST CHURCH DAY

Whereas, the Zion Missionary Baptist Church will celebrate its 156th anniversary during ceremonies on April 24; and

Whereas, the Zion Missionary Baptist Church, located at 1601 East Laurel Street in Springfield, Illinois, is the third oldest African-American church in the State of Illinois; and

Whereas, Zion Missionary Baptist Church traces its roots to the state's early days, when the Reverend John Livingston expanded his missionary efforts by organizing churches among the African-American settlers in Central Illinois; and

Whereas, in 1838, a small group of worshippers led by the Reverend Luther Arnold began holding services in Springfield, meeting in a home located on the property where the Old State Capitol now stands; and

Whereas, this small congregation would later become the Zion Missionary Baptist Church, witnessing steady growth since those early days by providing guidance to its members and serving as a unifying force throughout the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24, 1994, as ZION MISSIONARY BAPTIST CHURCH DAY in Illinois and congratulate the Reverend Samuel W. Hale, Jr. and the members of the church as they celebrate their proud history and continued efforts to enrich the lives of the people of Springfield and Illinois.

Issued by the Governor April 20, 1994.

Filed with the Secretary of State April 22, 1994.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Rulemaking
- 2) Code Citation: 1 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Actions:
- | | |
|---------|-----------|
| 100.100 | Amendment |
| 100.110 | Amendment |
| 100.140 | Amendment |
| 100.150 | Amendment |
| 100.160 | Amendment |
| 100.180 | Amendment |
| 100.200 | Amendment |
| 100.220 | Amendment |
| 100.225 | Amendment |
| 100.240 | Amendment |
| 100.250 | Amendment |
| 100.260 | Amendment |
| 100.270 | Amendment |
| 100.280 | Amendment |
| 100.300 | Amendment |
| 100.315 | Amendment |
| 100.330 | Amendment |
| 100.335 | Amendment |
| 100.340 | Amendment |
| 100.350 | Amendment |
| 100.380 | Amendment |
| 100.390 | Amendment |
| 100.400 | Amendment |
| 100.410 | Amendment |
| 100.430 | Amendment |
| 100.450 | Amendment |
| 100.500 | Amendment |
| 100.510 | Amendment |
| 100.530 | Amendment |
| 100.540 | Amendment |
| 100.545 | Amendment |
| 100.550 | Amendment |
| 100.600 | Amendment |
| 100.610 | Amendment |
| 100.640 | Amendment |
| 100.655 | Amendment |
| 100.660 | Amendment |
| 100.670 | Amendment |
| 100.680 | Amendment |
| 100.710 | Amendment |

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 100.735 Amendment
- 100.740 Amendment
- 100.810 Amendment
- 100.815 Amendment
- 100.820 Amendment
- 100.900 Amendment
- 100.1000 Amendment
- 100.1010 Amendment
- 100.1020 Amendment
- 100.1025 New
- 100.1030 Repeal
- 100.1100 Amendment
- 100.1110 Amendment
- 100.1115 Amendment
- 100.1120 Amendment
- 100.1130 Amendment
- 100.1140 Amendment
- 100.1150 Amendment
- 100.1200 Amendment
- 100.1210 Amendment
100. Appendix E
- Illustration A Amendment
- Illustration C Amendment
- Illustration D Amendment

- 4) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq]
- 5) Complete Description of the Subjects and Issues Involved:
The primary purpose of the rule change is to require all material to be published in the Illinois Register to be submitted to the Index Department's Administrative Code Division in ASCII format. This will allow for the implementation of an electronic Illinois Register and Administrative Code on July 1, 1994 as prescribed amendments to the Illinois Administrative Procedure Act as specified in PA 88-535. Other amendments to in the rulemaking have been done at the request of the Joint Committee on Rules, as well as the addition of more precise language to the existing rules.
- 6) Will this proposed rule replace and emergency rule currently in effect? No

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No

- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To ensure meeting the weekly deadline for publishing the Illinois Register in a paper copy and electronic format, agencies submitting any material for publication in the Illinois Register shall file the material with the Secretary of State Index Department material in the American National Standard Code for Information Interchange (ASCII) format on 3 1/2 inch disc. If any agency does not have the capability to submit an ASCII format file, the director shall notify the Index Department in writing of the agency's inability to file an ASCII format file.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale
Index Department
111 E. Monroe
Springfield, IL 62756

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
April 26, 1994

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Amendments begin on the next page:

NOTICE OF PROPOSED AMENDMENTS

- | | | |
|----------------------------|----------------------|--------------------------|
| 1) <u>Heading of Part:</u> | General Provisions | |
| 2) <u>Code Citation:</u> | 1 Ill. Adm. Code 100 | |
| 3) <u>Section Numbers:</u> | | <u>Proposed Actions:</u> |
| | 100.100 | Amendment |
| | 100.110 | Amendment |
| | 100.140 | Amendment |
| | 100.150 | Amendment |
| | 100.160 | Amendment |
| | 100.180 | Amendment |
| | 100.200 | Amendment |
| | 100.220 | Amendment |
| | 100.225 | Amendment |
| | 100.240 | Amendment |
| | 100.250 | Amendment |
| | 100.260 | Amendment |
| | 100.270 | Amendment |
| | 100.280 | Amendment |
| | 100.300 | Amendment |
| | 100.315 | Amendment |
| | 100.330 | Amendment |
| | 100.335 | Amendment |
| | 100.340 | Amendment |
| | 100.350 | Amendment |
| | 100.380 | Amendment |
| | 100.390 | Amendment |
| | 100.400 | Amendment |
| | 100.410 | Amendment |
| | 100.430 | Amendment |
| | 100.450 | Amendment |
| | 100.500 | Amendment |
| | 100.510 | Amendment |
| | 100.530 | Amendment |
| | 100.540 | Amendment |
| | 100.545 | Amendment |
| | 100.550 | Amendment |
| | 100.600 | Amendment |
| | 100.610 | Amendment |
| | 100.640 | Amendment |
| | 100.655 | Amendment |
| | 100.660 | Amendment |
| | 100.670 | Amendment |
| | 100.680 | Amendment |
| | 100.710 | Amendment |

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

100.735 Amendment
 100.740 Amendment
 100.740 Amendment
 100.810 Amendment
 100.815 Amendment
 100.820 Amendment
 100.900 Amendment
 100.1000 Amendment
 100.1010 Amendment
 100.1020 Amendment
 100.1025 New
 100.1030 Repeal
 100.1100 Amendment
 100.1110 Amendment
 100.1115 Amendment
 100.1120 Amendment
 100.1130 Amendment
 100.1140 Amendment
 100.1150 Amendment
 100.1200 Amendment
 100.1210 Amendment
 100. Appendix E
 Illustration A Amendment
 Illustration C Amendment
 Illustration D Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq]

5) Complete Description of the Subjects and Issues Involved:
 The primary purpose of the rule change is to require all material to be published in the Illinois Register to be submitted to the Index Department's Administrative Code Division in ASCII format. This will allow for the implementation of an electronic Illinois Register and Administrative Code on July 1, 1994 as prescribed amendments to the Illinois Administrative Procedure Act as specified in PA 88-535. Other amendments to in the rulemaking have been done at the request of the Joint Committee on Rules, as well as the addition of more precise language to the existing rules.

6) Will this proposed rule replace and emergency rule currently in effect? No

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To ensure meeting the weekly deadline for publishing the Illinois Register in a paper copy and electronic format, agencies submitting any material for publication in the Illinois Register shall file the material with the Secretary of State Index Department material in the American National Standard Code for Information Interchange (ASCII) format on 3 1/2 inch disc. If any agency does not have the capability to submit an ASCII format file, the director shall notify the Index Department in writing of the agency's inability to file an ASCII format file.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale
 Index Department
 111 E. Monroe
 Springfield, IL 62756

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
 April 26, 1994
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance:
 None

The full text of the Proposed Amendments begin on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 1: GENERAL PROVISIONS
CHAPTER 1: SECRETARY OF STATEPART 100
RULEMAKING

SUBPART A: DEFINITIONS AND CODIFICATION

Section	
100.100	Rulemaking Compliance
100.110	Definitions
100.120	Agencies Covered
100.130	Illinois Administrative Code Organization
100.140	Codification Outline
100.150	Notice of Codification Changes
100.160	Deletion or Transfer of Rules
100.170	Re-using Part or Section Numbers (Renumbered)
100.180	Style Manual

SUBPART B: ILLINOIS REGISTER

Section	
100.200	Publication Schedule and Deadline
100.210	Contents
100.220	Publication Requirements
100.225	Cover Letter
100.230	Publication of Materials Incorporated by Reference
100.240	Notices of Corrections
100.250	Expedited Corrections
100.260	Indexes
100.270	Illinois Register Availability
100.280	Fees
100.290	Uncodified Rules (Repealed)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section	
100.300	Headings
100.310	Table of Contents
100.315	Re-using Part or Section Numbers
100.320	Authority Note
100.330	Source Notes
100.335	Automatic Repeal of Rules
100.340	Text of the Part; Subsections
100.345	Renumbering Sections within a Part
100.350	Supplementary Material
100.360	Proper Format

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

100.370	Citation of Codified Rules
100.380	Statutory Language and Statutory Citations
100.385	Incorporation by Reference; Citation of Referenced Material
100.390	Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

Section	
100.400	Required Notice Periods
100.410	Notice of Proposed Rules
100.415	Other Statutory Requirements for Rulemaking
100.420	Text of Proposed Rules
100.430	Notice of Corrections
100.440	Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule
100.445	Requirements for Submitting Materials for Register Publication
100.450	<u>Administrative Code Division Index Department Review of Proposed Rules</u>

SUBPART E: ADOPTED RULES

Section	
100.500	Requirements for Filing
100.510	Other Documents Required for Filing Adopted Rules
100.520	Requirements for Illinois Register Publication
100.530	Notice of Adopted Rules
100.540	Text of Adopted Rules
100.545	<u>Code Division Index Department Review of Adopted Rules</u>
100.550	Certificate of Review and Approval

SUBPART F: EMERGENCY RULES

Section	
100.600	Filing; Agency Certification
100.610	Notice of Emergency Rules
100.620	Text of Emergency Rules
100.630	File Copy of Emergency Rules
100.640	Effectiveness
100.650	Adoption as a Permanent Rule
100.655	<u>Code Division Index Department Review of Emergency Rules</u>
100.660	Certificate of Review and Approval
100.670	Modification of an Emergency Rule
100.680	Repeal of an Emergency Rule

SUBPART G: PEREMPTORY RULES

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section
100.700 Submission; Agency Certification
100.710 Notice of Peremptory Rules
100.720 Text of Peremptory Rules
100.730 File Copy of Peremptory Rules
100.735 ~~Code-Division Index Department~~ Review of Peremptory Rules
100.740 Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Section
100.800 Requirements
100.810 Effectiveness; Exemption from Notice
100.815 ~~Code-Division Index Department~~ Review of Internal Rules
100.820 Certificate of Review and Approval

SUBPART I: PROHIBITED FILING

Section
100.900 Certified Statements from Joint Committee on Administrative Rules
100.910 Prohibition of the Filing of Rules
100.920 Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Section
100.1000 Certified Rules; Inspection
100.1010 Photocopies and Fees
100.1020 Illinois Administrative Code
100.1025 Public Domain
~~100.1030 State Property~~

SUBPART K: MISCELLANEOUS

Section
100.1100 Recodification of Rules
100.1110 Notice of Recodification
100.1115 ~~Code-Division Index Department~~ Review of Recodified Rules
100.1120 Certificate of Review and Approval
100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules
100.1140 ~~Code-Division Index Department~~ Review of Other Notices and Materials Submitted for Register Publication
100.1150 Regulatory Agendas
100.1160 Regulatory Flexibility Notice

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section
100.1200 Availability
100.1210 Fees

APPENDIX A Proposed Rules

ILLUSTRATION A Notice of Proposed Rules
ILLUSTRATION B Notice of Withdrawal of Proposed Rules
ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules
ILLUSTRATION D Notice of Corrections to Proposed Rules
ILLUSTRATION E Notice of Public Hearing on Proposed Rules
ILLUSTRATION F Notice of Corrections to Notice Only (Renumbered)

APPENDIX B Adopted Rules

ILLUSTRATION A Notice of Adopted Rules
ILLUSTRATION B Text of Adopted Rules (Repealed)
ILLUSTRATION C Agency Certification
ILLUSTRATION D Format for Filing Codified Rules
ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules

ILLUSTRATION F Notice of Corrections to Adopted Rules
ILLUSTRATION G Request for Expedited Correction
ILLUSTRATION H Refusal to Certify Expedited Correction
ILLUSTRATION I Notice of Expedited Correction

APPENDIX C Emergency Rules

ILLUSTRATION A Notice of Emergency Rules
ILLUSTRATION B Text of Emergency Rules (Repealed)
ILLUSTRATION C Agency Certification of Emergency Rules
ILLUSTRATION D Notice of Modification to Emergency Rules

APPENDIX D Peremptory Rules

ILLUSTRATION A Notice of Peremptory Rules
ILLUSTRATION B Text of Peremptory Rules (Repealed)
ILLUSTRATION C Agency Certification of Peremptory Rules
ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

APPENDIX E Miscellaneous

ILLUSTRATION A Notice of Recodification
ILLUSTRATION B Notice of Corrections to Notice Only
ILLUSTRATION C Certificate of Review and Approval
ILLUSTRATION D Notice of Codification Changes
ILLUSTRATION E Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules
ILLUSTRATION F Regulatory Agenda
ILLUSTRATION G Regulatory Flexibility Notice

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND CODIFICATION

Section 100.100 Rulemaking Compliance

This Part describes the procedures involved in promulgating rules in codified form, including both Illinois Register publication and filing requirements. All rules filed with the ~~Administrative Code Division~~ Index Department must be in compliance with the rulemaking system described within this Part pursuant to Article 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1007). [5 ILCS 100/1-1 et seq.]

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART A: DEFINITIONS AND CODIFICATION

Section 100.110 Definitions

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.,) [5 ILCS 100/1-1 et seq.]. Also referred to as the IAPA.

"Administrative Code Division": A division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code. ~~{also referred to as "Code Division",}~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Agreements": All changes made by agreement between any agency and the Joint Committee on Administrative Rules during the second notice period.

"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section..

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another.

"Authority": The right or power to promulgate rules. Such authority appears in the Illinois Revised Statutes or in an Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes ~~of Public Act~~ the Part is implementing, and the statutes that give the agency the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced, even when reduced by 50% in reproduction. A document is camera-ready when it is clearly typed (or produced on word processing or computer equipment) in solid black ink on one side of an 8 1/2 by 11 inch sheet of white paper (uncoded stock). Neither dot matrix type nor photocopies are considered to be camera-ready. Uncoded stock means that bond paper with a visible watermark (when the paper is held up to the light) shall not be used.

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the ~~Administrative Code Division~~ Index Department certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. (5 ILCS 100/5-85) See Appendix B, Illustration I.

"Certificate of Review and Approval": The Certificate issued to an agency for a Part, amendments to a Part, or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

a repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The Certificate is filed in the ~~Code-Division~~ Index Department with the adopted rules.) (See Section 100.550 and 100.Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code. Each Chapter within the Code designates a state agency.

"Citation": The citation of a state or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code or the Illinois Register.

"Code": The Illinois Administrative Code. (abbreviated "Ill. Adm. Code").

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the Title number, the Code abbreviation (Ill. Adm. Code) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents submitted to the ~~Administrative-Code-Division~~ Index Department for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the ~~Code-Division's~~ Index Department's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the ~~Code-Division's~~ Index Department's staff).

"Emergency Rule": A rule (or amendment or repealer) adopted without prior notice or hearing due to a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

situation which the agency finds constitutes a threat to the public interest, safety or welfare. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction": A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division of the Code (for example, the heading for this Part is "Rulemaking" (See Section 100.130); also the information which must appear at the top of each page for both Register publication (includes the Register heading, the agency name and the type of rulemaking action, (See 100.Appendix A, Illustration A) and for codified rules filed with the ~~Administrative-Code-Division~~ Index Department (includes the Title, Subtitle (if applicable), Chapter, Subchapter (if applicable), Part, Subparts (if applicable), and Section numbers -- See 100.Appendix B, Illustration D). (See Section 100.300)

"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act. (Ill. Rev. Stat. 1991, ch. 63, par. 29.4, as amended by P.A. 87-1005) [25 ILCS 135/5.04] (abbreviated "ILCS")

"Illinois Register": The weekly publication which contains the rulemaking activity of the state's agencies, JCAR notices, the Governor's Executive Orders and Proclamations, and other materials required by statute. (abbreviated "Ill. Reg.") Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified. (abbreviated "Ill. Rev. Stat.")

"Implemented Statutes": Those laws contained in the Illinois Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"JCAR": The abbreviation for the Joint Committee on Administrative Rules, the legislative support services agency responsible for reviewing current rules of the state's agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code.

"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United States Congress.

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number.

"Peremptory Rule": A rule (or amendment) necessitated by federal laws, federal rules or court orders which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-50 of the Act. (See Subpart G).

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes the renumbering of an entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

and moving Sections (or subsections) of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JCAR for the second notice period, pursuant to Section 5-40(c) of the Act. (See also Section 100.415(a) of this Part.)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections must still remain in strict numerical order, and, if the Part has Subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than six Sections are being renumbered within one Part, or when Sections within Subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, canceling) a rule.

"Replacement Page": The page which must be filed with the ~~Code-Division~~ Index Department when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed and no text remains. The table of contents page when an emergency rule or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request an agency files with the Joint Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the ~~Administrative Code Division~~ Index Department, requesting an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": Each agency statement of general applicability that implements, applies or interprets policy; a Section of a Part. (See Section 1-70 of the Act)

"Secretary of State": The Administrative Code Division, division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Part. (See Section 100.330)

"Short Title": A title of an Act which should be used to identify that Act. Unless a short title is actually specified in the Act itself, a short title may not be used. Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note".)

"Statement of Statewide Policy Objectives": The statement as specified in Section 5 of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2205) [30 ILCS 805/5] and which must appear on the Notice of Proposed,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Emergency or Peremptory Rules. (See Sections 100.410(a)(10), 100.415(b), 100.610(a)(11) and 100.710(a)(12) of this Part and Section 5-10(d) of the Act).

"Statutory Citation": The citation of an Act, either state or federal, containing the information necessary for the reader to locate the Act in the Illinois Revised Statutes, the Illinois Compiled Statutes, the Illinois annotated statutes, the United States Code, and the United States Code Annotated. ~~Also, the citation of a state or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code, or the Illinois Register.~~

"Style Manual": The manual prepared by the ~~Administrative Code Division~~ Index Department which is to be used in conjunction with this Part and the IAPA and which gives examples for agencies to follow when promulgating rules in codified format.

"Subchapter": A division of the Code; the designation for a group of related Parts under a single agency (Chapter). Subchapters may correspond to organizational divisions of the agency.

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

"Subtitle": A division of the Code; the designation for subject areas within a Title which are focused on particular issues or subjects but which involve the rules of more than one agency.

"Title": A division of the Code; the designation for a broad subject area.

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"U.S.C.A.": The abbreviation for the annotated edition of the United States Code.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.140 Codification Outline

The 33 Titles of the Code, with their applicable Subtitles, are listed below. If an agency does not know where it appears in the Code outline, it must contact the ~~Administrative Code Division~~ Index Department, which maintains a detailed outline including Chapters, Subchapters and Parts.

- Title 1: General Provisions
- Title 2: Governmental Organization
 - Subtitle A: Legislative Agencies
 - Subtitle B: Courts and the Judiciary
 - Subtitle C: Individual Constitutional Officers
 - Subtitle D: Code Departments
 - Subtitle E: Miscellaneous State Agencies
 - Subtitle F: Educational Agencies
- Title 3: Legislature
 - Subtitle A: General Assembly
 - Subtitle B: Legislative Management Agencies
- Title 4: Discrimination Procedures
- Title 8: Agriculture and Animals
- Title 11: Alcohol, Horse Racing, and Lottery
 - Subtitle A: Alcohol
 - Subtitle B: Horse Racing
 - Subtitle C: Lottery
- Title 14: Commerce
 - Subtitle A: Regulation of Business
 - Subtitle B: Consumer Protection
 - Subtitle C: Economic Development
- Title 17: Conservation
- Title 20: Corrections, Criminal Justice, and Law Enforcement
- Title 23: Education and Cultural Resources
 - Subtitle A: Education
 - Subtitle B: Cultural Resources
- Title 26: Elections
- Title 29: Emergency Services, Disasters, and Civil Defense
- Title 32: Energy
- Title 35: Environmental Protection
 - Subtitle A: General Provisions
 - Subtitle B: Air Pollution
 - Subtitle C: Water Pollution
 - Subtitle D: Mine Related Water Pollution

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- Subtitle E: Agriculture Related Water Pollution
- Subtitle F: Public Water Supplies
- Subtitle G: Waste Disposal
- Subtitle H: Noise
- Subtitle I: Atomic Radiation
- Subtitle J: Environmental Research
- Subtitle K: Environmental Financing
- Subtitle L: Environmental Occupations
- Subtitle 38: Financial Institutions
- Title 41: Fire Protection
- Title 44: Government Contracts, Procurement and Property Management

- Subtitle A: General Procurement
- Subtitle B: Supplemental Procurement Rules
- Subtitle C: Governmental Records
- Subtitle D: Property Management
- Subtitle E: Miscellaneous Provisions
- Title 47: Housing and Community Development
- Title 50: Insurance
- Title 53: Intergovernmental Relations
- Title 56: Labor and Employment
- Title 59: Mental Health
- Title 62: Mining
- Title 68: Professions and Occupations
- Title 71: Public Buildings, Facilities, and Real Property
- Title 74: Public Finance
- Title 77: Public Health
- Title 80: Public Officials and Employees
- Subtitle A: Merit Employment Systems
- Subtitle B: Personnel Rules, Pay Plans, and Position Classifications
- Subtitle C: Labor Relations
- Subtitle D: Retirement Systems
- Subtitle E: Ethics
- Subtitle F: Employee Benefits
- Subtitle G: Payroll Deductions
- Subtitle H: Deferred Compensation
- Subtitle I: General Travel Control
- Title 83: Public Utilities
- Title 86: Revenue
- Title 89: Social Services
- Title 92: Transportation
- Title 95: Veterans and Military Affairs

(Source: Amended at 18 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 100.150 Notice of Codification Changes

- a) Style changes may be made by the ~~Administrative-Code Division~~ Index Department in the codification of rules to:
- 1) facilitate the public's use of the Code,
 - 2) comply with the requirements of the computer data base, or
 - 3) bring previously filed codified rules into compliance with the current codification style.
- b) When such changes are made to codified rules, they are nonsubstantive and do not affect the meaning of the text. Before filing codified rules with style changes, the ~~Administrative-Code-Division~~ Index Department will notify the agency of all changes made and will request a certification from the agency authorizing the rules as changed to be filed.
- d) The ~~Administrative-Code-Division~~ Index Department will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100.Appendix E, Illustration D)
- e) A Notice of Codification Changes will also be published for changes the ~~Administrative-Code-Division~~ Index Department makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.160 Deletion or Transfer of Rules

In the event an agency is abolished, agencies are consolidated, or agencies are reorganized, the ~~Administrative-Code-Division~~ Index Department shall follow the procedures outlined in Section 5-80(d) of the IAPA.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.180 Style Manual

The ~~Administrative-Code-Division~~ Index Department has prepared a Style Manual to aid agencies in the rulemaking process. Copies of the Style Manual may be obtained by contacting the ~~Code-Division~~ at the following address:

Index Department
~~Administrative-Code-Division~~
 111 E. Monroe Street

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62756
 (217) 782-9786 7017

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: ILLINOIS REGISTER

Section 100.200 Publication Schedule and Deadline

- a) The ~~Administrative-Code-Division~~ Index Department publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.
- b) Pursuant to the provisions of this Part, all documents submitted to the ~~Administrative-Code-Division~~ Index Department for Illinois Register publication shall be received by 12:00 p.m. on Tuesday shall be published in the following week's Register. All documents meeting publication requirements will appear in the following week's Register.
- c) However, all new rules, amendments, repealers and expedited corrections which an agency is ready to adopt must be submitted to the ~~Code-Division~~ Index Department either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed in subsection (b) above. (See also Section 100.550).
- d) Copies of the current year's publication schedule with deadline dates are published weekly in the Illinois Register.
- e) In the event, that an agency which has submitted a proposed rule for publication subsequently wishes to withdraw that proposal prior to its publication, but after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100.Appendix A, Illustration C) No agency may withdraw an adopted, emergency, or peremptory rule or expedited correction once it has been filed with the ~~Code-Division~~ Index Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.220 Publication Requirements

- a) All documents submitted for publication shall meet the following requirements:
- 1) Each document shall be typewritten (or produced on word processing or computer equipment) on 8 1/2 x 11 inch white paper (at least 20 lb. weight) and shall be single-spaced. One (1) American National Standard Code for Information Interchange (ASCII) format file in a 3 1/2 inch disc. One (1) original (camera-ready) and four (4) paper copies shall be submitted with the exception of proposed rules which shall require 5 copies. (See definition of "camera-ready copy" in Section 100.110) The original and all copies shall not be stapled together nor three-hole punched.
 - 2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document, the agency's name, all in capital letters, shall appear one double-space under the solid line, centered on the page, and the action heading, all in capital letters, shall appear one double-space under the agency name, centered on the page.
 - 3) There shall be a one inch margin from all sides of the page. Only one side of the page shall be used. All documents submitted to the Code-Division Index Department for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with a statement. Non-applicable is not an acceptable answer to any of the questions.
 - 5) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified except in the text of the document.) In addition, the document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register.
 - 6) ~~When submitting proposed rules that include any new Parts or Sections, an agency with available technology may submit an American National Standard Code for Information Interchange (ASCII)~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ~~format file in a 3 1/2 inch disk along with the paper copies. An ASCII format file shall be submitted to the Index Department unless an agency does not have the equipment to produce an ASCII format file. In that event, the Director of the agency submitting material for publication in the Register shall notify the Index Department in writing of the agency's inability to submit an ASCII format file.~~
- b) The headings on the Notice (as required by Sections 100.4.10, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must also say "Notice of Proposed Rules".) (See Section 100.300 for further information on headings.)
 - c) The action headings mentioned in subsections (a)(2) and (b) above shall be as follows for rulemaking activities:
 - 1) If the rules comprise a new Part, the term "Rules" shall be used;
 - 2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;
 - 3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.
 - d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100.Appendix A, 100.110(a), and 100.1110(a) as shown in 100.Appendix B, Illustrations A, C, D, and E; 100.Appendix C, Illustrations A, E, F, G, H, and I; 100.Appendix D, Illustrations A and D; 100.Appendix E, Illustrations A, B, D, E and F.
 - e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and peremptory new rules, amendments, repealers and expedited corrections) is published in the Illinois Register.
 - f) The ~~Administrative Code-Division~~ Index Department shall perform the following duties:
 - 1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the ~~code-Division~~ Index Department will sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)
 - 2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Code Division Index Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.225 Cover Letter

A cover letter shall accompany all documents submitted to the Administrative Code Division Index Department. This letter shall specify the material being submitted and the reason for submission (publication, filing, or review) (See also Section 100.510).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.240 Notices of Corrections

a) At the agency's request, the Administrative Code Division Index Department will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the of the commencement of the first notice period to the date the correction is published. (See 100.Appendix A, Illustration D) Only non-substantive changes can be made by the agency after the commencement of the second notice period.

b) Substantive changes shall be made only by written agreement with JCAR. (See Section 5-40(c) of the Act.) The Administrative Code Division Index Department shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Code Division Index Department except codification changes Section 100.150) and expedited corrections (Section 100.560).

c) An agency may correct information contained on a Notice of Proposed Rulemaking published in the Illinois Register by submitting one (1) ASCII format file on 3 1/2 disc, one (1) original and four 4 paper copies of a Notice of Corrections to Notice Only for publication in the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Register. (See 100.Appendix E, Illustration B) Pursuant to Section 5-40 of the IAPA, a Notice includes not only the pages headed "Notice" but also the text of the rules. This Notice shall only be used when the file copy was correct and the Register published copy was incorrect or when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100.Appendix A, Illustration D) Errors which are discovered in the file copy text later than seven days following publication of the issue of the Register in which the notice of adopted rulemaking appeared shall be corrected by the agency through the general rulemaking process or by the expedited correction process (see Section 100.250).

e) A Certificate and Notice of Expedited Correction shall be filed with the Administrative Code Division Index Department during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.250 Expedited Corrections

a) A Request for Expedited Correction of Adopted Rules may be forwarded by JCAR to the Administrative Code Division Index Department. (See 1 Ill. Adm. Code 100.Appendix B, Illustration G) The request must be accompanied by the complete text of the affected section(s), indicating both the incorrect text and the agency's proposal for correction in accordance with Section 100.420(c). The correction shall be published in the next available Register.

b) The Joint Committee on Administrative Rules may then submit either a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100.Appendix B, Illustration H) or a Notice of Expedited Correction (1 Ill. Adm. Code 100.Appendix B, Illustration I) signed by the Executive Director of JCAR, and meeting all requirements outlined in Sections 100.200, 100.300, 100.500, 100.510, 100.520, 100.530, 100.540 and 100.550.

c) If JCAR issues a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100.Appendix B, Illustration H), this does not prevent the agency from promulgating the rules through the general rulemaking procedures.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.260 Indexes

- a) The ~~Administrative Code Division~~ Index Department prepares an annual publication consisting of both the Cumulative and Sections Affected indexes for all codified rules appearing in the Illinois Register. The indexes will be distributed to all persons subscribing to the Illinois Register. Additional copies of the indexes are available from the ~~Code Division~~ Index Department for a fee. (See Section 100.280) All requests for copies of this publication must follow the procedures outlined in Sections 100.270 and 100.280.
- b) The ~~Code Division~~ Index Department also prepares a Sections Affected Index and a Cumulative Index for all codified rules published weekly quarterly in the Register. These indexes list the current rulemaking activity and appear in the back of each issue of the Register quarterly, and are available upon request.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.270 Illinois Register Availability

- a) Subscriptions
- 1) All agencies required to file rules under the Illinois Administrative Procedure Act and members of the Illinois General Assembly will, upon request, receive one subscription to the Illinois Register exempt from fee. Agency subscriptions are limited to each agency's principal office (a total of two complimentary subscriptions are allowed for those agencies maintaining both a Springfield and a Chicago principal office; all other agencies receive only one complimentary subscription).
 - 2) All other persons wishing to receive an issue of the Illinois Register each week shall pay the annual subscription rate. (See Section 100.280)
- b) Microfiche copies of back volumes of the Illinois Register are available from the Administrative Code Division for a fee. (See Section 100.280)
- c) Print copies of back issues of the current volume of the Illinois Register are available in limited supply for the ~~Administrative Code Division~~ Index Department for a fee. (See Section 100.280) When the limited supply is depleted, requests for such copies will be denied.
- d) The annual publication consisting of both the Cumulative and Sections Affected Indexes is not available by subscription, but may be obtained through Section

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

100.280(a)(4) except as stated in Section 100.260(a) and (b).

- e) All requests for subscriptions (either new or renewed), single issues of the Register, microfiche copies of back volumes, the annual Cumulative and Sections Affected Indexes, must follow the procedure outlined in Section 100.280(b).
- f) All requests for change of address must be in writing and four (4) weeks must be allowed for such changes.
- g) No subscriptions to the Illinois Register shall be retroactively effective.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.280 Fees

- a) Fees charged by the ~~Administrative Code Division~~ Index Department for the materials in Sections 100.260 and 100.270 shall not exceed the costs of the publication and mailing of the materials. Current fees for the Illinois Register materials cited in these Sections appear on the order form printed in each issue of the Register and are listed below:
- 1) One year subscription to the Illinois Register: \$290.00 per year per subscription.
 - 2) Single issues of the current year: \$10.00 per copy.
 - 3) Microfiche sets of back volumes of the Register: \$200.00 per set.
 - 4) Copies of the annual publication consisting of the Cumulative and Sections Affected Indexes to the Register: \$5.00 per copy.
- b) Requests for the above named materials will be accepted as charges to an accepted credit card ~~Master-Card-ex-Visa~~ or in writing accompanied by a check or money order in the proper amount made payable to SECRETARY OF STATE. Cash will not be accepted. No subscriptions are taken for single issues, microfiche sets of back volumes or copies of the Indexes.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section 100.300 Headings

- a) All rules submitted to the ~~Administrative Code Division~~ Index Department for publication in the Illinois Register must have the Register heading, the agency name and the

NOTICE OF PROPOSED AMENDMENTS

action heading on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Heading," see Section 100.110.)

- b) Rules submitted to the ~~Code-Division Index Department~~ for filing as adopted must have the Code heading on each page pursuant to Section 100.500 and 100.Appendix B, Illustration D.

c) Headings for a Part's table of contents

- 1) Beginning at least 2" from the top of the page (to allow for the Register heading, the agency name and the action heading for Register publication or the Code heading for file copies) and centered on the page shall be the following headings:

- A) The word TITLE and its label followed by a colon and the heading;
 B) The word SUBTITLE and its label followed by a colon and the heading (if applicable);
 C) The word CHAPTER and its label followed by a colon and the heading;
 D) The word SUBCHAPTER and its label followed by a colon and the heading (if applicable).

- 2) Each of the applicable headings listed above shall be all in capital letters (except where arabic numbers or small letter labels are used for the Code divisions) and shall appear, in order, on successive single-spaced lines. These headings as well as the Part number and its heading shall appear on the first page only of both publication and file copies.

- 3) One double-space below the Chapter, its label and heading, (or, if applicable, the Subchapter, its label and heading) shall appear the word PART (all in capital letters) and its appropriate number, centered on the page.

- 4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.315 Re-using Part or Section Numbers

After a Part has been filed with the ~~Administrative-Code-Division Index Department~~ and the Part is repealed in its entirety or recodified to another Part number, the Part number involved shall not be used again for a period of two years if the subject matter has totally changed. If an agency repeals some but not all of the Sections in an existing Part, those Section numbers may be re-used immediately, even if the subject matter totally changes, although

NOTICE OF PROPOSED AMENDMENTS

the ~~Code-Division Index Department~~ recommends that different Section numbers be used in order to avoid confusion.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.330 Source Notes

- a) Each Part adopted in compliance with this Part shall include appropriate source notes. The two types of source notes are: main source notes and Section source notes.

- 1) The main source note shall indicate the location in the Illinois Register of the notice of adoption and the effective date. It shall also include Register citations for amendments to the Part subsequent to the rules' original adoption. Main source notes are cumulative. The main source note shall be located one double-space below the authority note and shall be single-spaced.

- 2) A Section source note shall indicate the Register citation for the last action on that Section subsequent to the original adoption. Codification action shall not be indicated in a Section source note. Section source notes appear one double-space below the last sentence of the Section and shall be single-spaced, and indented five spaces from the left margin.

- b) Main source notes indicate to the public when the Part was adopted or amended and where the notice of the adoption may be found. Normally, only citations to the Illinois Register shall be indicated in the main source note and Section source notes, although amendment dates prior to Illinois Register publication shall be included only if specifically requested by the agency. The following situations are exceptions to this provision:

- 1) If a new Part is being adopted, the main source note shall have blank spaces for the volume, page number of the Register, and the effective date.
 2) If the set of rules was adopted prior to the publication of the Illinois Register, the main source note should indicate the exact title of the set of rules as it was adopted (if that title has changed significantly in codification), the date filed, and the effective date.
 c) The agency may also supply additional information in the source note to clarify the origin of the rules. For example, an agency may indicate the resolution, general order, or docket number used in the adoption of the rules; however, such numbers alone are insufficient.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- d) When an agency drafts rules or amendments, regardless of the type of rulemaking occurring (proposed, adopted, emergency, peremptory or expedited correction), the source note shall specify the action, a Register citation with blanks left for the volume number of the Register, the page number on which the Notice of Adoption will appear and a blank for the effective date. Failure by an agency to include these items will necessitate the return of the rules to the agency for corrections prior to their being published in the Illinois Register or filed in the Code-Division Index Department.
- e) For examples of main source notes and Section source notes, please refer to the Style Manual.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.335 Automatic Repeal of Rules

- a) An agency may provide for the automatic repeal of a rule by specifying in the text the date (including month, day and year) of the automatic repeal.

1) Such Automatic repeal shall not be used to repeal or amend existing Sections on file in the Code Division Index Department, but shall be used only for new Sections or in a new Part.

2) Each Section of a Part which is to be automatically repealed must specify the repeal date in the text.

- b) Pursuant to Section 5-55 of the IAPA, not less than 30 nor more than 60 days prior to the effective date of the repeal, the agency shall publish notice of the repeal in the Illinois Register. Such notice shall meet the requirements for Illinois Register publication specified in Section 100.220 and 100.Appendix B, Illustration E; and:

1) for rules adopted through the general rulemaking process, as specified in Section 5-40 of the Act, as 100.Appendix B, Illustration E; or

2) for rules adopted through the peremptory rulemaking process as specified in Section 5-50 of the Act, shown in 100.Appendix D, Illustration D.

- c) The notice specified in subsection (b) above shall contain the full text of the affected Sections, the complete table of contents for the Part indicating which Sections are being automatically repealed by adding the word "(Repealed)" immediately after the affected Section headings, the authority note, and the main source note for the Part including a citation to the Notice of Automatic Repeal. Each affected Section must also contain

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- d) the appropriate Section source note for the citation to the Notice of Automatic Repeal.
- e) At the same time the agency submits the notice and text required by subsection (b) above, it shall also submit one (1) original and two (2) copies of the complete table of contents for the Part including the authority and main source notes and the necessary replacement pages for the Sections being automatically repealed. The replacement pages shall include the Code headings at the top of each page, the Section number and heading followed by the word "(Repealed)" and a Section source note to the citation for the automatic repeal.

- e) Should the agency fail to submit the notice of the repeal in the time frame specified in subsection (b) and the Act, the automatic repeal date as specified in the rule(s) is void and the agency will have to go through the general rulemaking process in order to repeal the rulemaking. The 30 to 60 day period in which the notice is to be published in the Illinois Register requires the rule to appear in a published Register during that time period.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the Section number and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the Section number and heading of the first Section being published shall appear one double-space below the main source note. For rules filed with the Code Division Index Department as adopted, the first Section shall appear on the next page following the main source note.

- b) Subsections shall be identified as indicated in the following format. The proper indentation of each level of subsection, both for the labels and for the text, is also indicated.

1) First level of subsection: Use a), b), c), etc. Locate the label one and one-half (1 1/2) inches from left edge of page (indent 5 spaces from the margin) and locate the text two (2) inches from the left edge of the page.

2) Second level of subsection: Use 1), 2), 3), etc.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- Locate the label two (2) inches from left edge of page (indent 10 spaces from the margin) and locate the text two and one-half (2 1/2) inches from the left edge of the page.
- 3) Third level of subsection: Use A), B), C), etc. Locate the label two and one-half (2 1/2) inches from left edge of page (indent 15 spaces from the margin) and locate the text three (3) inches from the left edge of the page.
- 4) Fourth level of subsection: Use i), ii), iii), etc. Locate the label three (3) inches from left edge of page (indent 20 spaces from the margin) and locate the text three and one-half (3 1/2) inches from the left edge of the page.
- c) A single paragraph within a Section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed but unlabeled paragraphs at the same indent level as the opening paragraph following such labeled subsections or indented items or following labeled subsections at any level are not allowed.
- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate Sections.
- e) Sections which consist of definitions of various terms in alphabetical order shall not include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two (2) inches from the left hand edge of the page.) There shall be only one definitions Section per Part except that each Subpart may also have a definitions Section. This Section should be the first Section within the specified codification division. Definitions may appear in the text of other Sections if necessary to explain that particular Section or subsequent Sections in that part or Subpart. Other lists within Sections (for example, a list of recommended library books) may also be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.
- f) When dividing a Section into subsections, do not use an a) without a b), a 1) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "A" shall appear.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses.
- h) Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.
- i) Since the codification system shall be compatible with electronic data processing equipment and programs maintained by and for the General Assembly (Section 5-80 of the Act) the Section symbol, subscript or superscript letters, the division symbol, the delta symbol, the square root symbol, and other similar signs and symbols, are not allowed within the text of an agency's rules. If an agency determines that a formula containing such symbols is necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Administrative Code Division Index Department to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule, the agency must contact the Code Division Index Department to determine if it can be used prior to submitting the proposed rules for Register publication.
- j) All acronyms, abbreviations, initials, and shortened forms which an agency wishes to use in the text of its rules must be spelled out in full the first time within each Part the reference appears with the acronym, abbreviation, initials or shortened form placed immediately thereafter in parentheses. (A definitions Section at the beginning of each Part is preferable.) The agency may then use the acronym, abbreviation, initials or shortened form throughout the remainder of the Part. This includes shortened forms for referring to names of Public Acts and Public Laws but does not include the list of standard abbreviations shown in subsection (k) below.
- k) Listed below are standard abbreviations and their meanings which do not have to be spelled out in an agency's rules as specified in subsection (j) above. If an agency wishes to use one of these abbreviations but wishes to attach a different meaning to it, it must follow the procedures outlined in subsection (j) above.
- 1) All two letter abbreviations for the 50 states as designated by the United States Postal Service are allowed;
 - 2) All chemical abbreviations for the elements are allowed;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 3) The following are examples of commonly known abbreviations:

Abbreviation	Definition
A.C.	alternating current
a.m.	ante meridiem, morning
Ave.	Avenue
Blvd.	Boulevard
Btu.	British thermal unit
C.	Centigrade, Celsius
C.D.T.	Central Daylight Time
CFR	Code of Federal Regulations
ch.	chapter (statutory citation use only)
cm.	centimeter
C.S.T.	Central Standard Time (or other time zones)
cu.	cubic
D.C.	District of Columbia,
Dr.	Drive
E.	East
e.g.	for example
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot
ID	identification
i.e.	that is
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
Ill. Reg.	Illinois Register
Ill. Rev. Stat.	Illinois Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour
Mt.	Mount
N.	North

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

n/a	not applicable
oz.	ounce
p.	page (Register citations to Volumes 1-4 only)
par., pars.	paragraph, paragraphs (statutory citations only)
p.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square
St.	Saint, Street
U.S.	United States
U.S.C.	United States Code
W.	West
yd.	yard

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.350 Supplementary Material

- a) Tabular materials, illustrations, diagrams, figures and other supplementary material included in a Part should be placed at the end of the Part and labeled as Appendices, Exhibits, Illustrations or Tables. Such materials should be used only when an agency deems them necessary; rules shall be in explanatory form whenever possible. Supplementary materials included in a Part filed with the Code-Division Index Department shall be considered part of the rules and should be referred to within the text of the Part.
- b) Any Appendices, Exhibits, Illustrations or Tables appearing at the end of the Part shall be included in the Part's table of contents. Such supplementary materials shall be identified with capital letters unless it is a subsection. If there is a subsection, it shall not include the Part number but shall be indented five (5) spaces below the Section.
- 1) An Appendix is generally in prose format and does not contain illustrations, tables, or other diagrams or drawings. If it is necessary for an Appendix to contain illustrations, tables or other diagrams or drawings, each illustration, table or diagram shall be labeled individually and shall become subsections of the Appendix.
- 2) A small Table may be contained within a Section as long as it fits within the text margins of the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

subsection in which it appears. In such a case, the Table is not labeled, but may have a heading. If the Table is larger than the subsection margins allow, the Table must be placed at the end of the Part and labeled with capital letters. An agency should either delete the Table from its rule through the general rulemaking process or must submit to the Administrative Code Division a camera-ready copy of the Table which will fit, with the applicable margin requirements, on an 8 1/2 x 11 inch sheet of paper. Forms should be avoided. (See Section 1-70 of the Act.) References to the forms within the text of the Part should be by form number or heading and should be incorporated into an Exhibit for explanatory reasons only.

- 3) References to the forms within the text of the Part should be by form number or heading and should be incorporated into an Exhibit for explanatory reasons only.
- 4) An illustration is a diagram or drawing. In those cases where the illustrations cannot be entered into the data base, the agency must submit to the Administrative Code Division Index Department a camera-ready copy of the illustration; such copy must fit within the margin requirements as outlined in this Part both for filing and for Illinois Register publication. (Refer to Sections 100.220(a)(3) and 100.500(a))

- c) A maximum of 10 Illustrations, Appendices, Tables, or Exhibits may be used in each Part unless used in combination with one another. If an Appendix, Exhibit, Illustration or Table has subsections labeled with one or more of the remaining three terms, it shall have no text of its own.

- d) Pursuant to Section 100.310(a)(4)(B), all supplementary material shall be legible even when reduced by 50% for Register publication, shall fit within the applicable margin requirements, and shall be upright on the page.
- e) Whenever an agency adopts a rule containing material which cannot be entered into the computer data base, the agency shall prepare a master original of the material (photocopies are not allowed) for the Code Division's Index Department's files.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.380 Statutory Language and Statutory Citations

- a) Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to repeat or paraphrase statutory language in a rule, it shall appear in distinguishing type. Italic type is expressly reserved

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

for statutory language.

- b) If it is necessary for an agency to use a type other than italic for statutory language, a statement as to what type is used must be made immediately after the main source note. Underscoring is not considered to be distinguishing type because it is expressly reserved for added language in rules published in the Illinois Register.

- c) ~~Public Acts or Public Laws not yet published in the Illinois Compiled Statutes or the United States Code, respectively, cannot have a citation to a published edition unless the Act or Law is amending an Act or Law in the specific published edition cited, in which case the words "as amended by" followed by the P.A. or P.L. number and effective date appear within the statutory citation's parentheses but after the paragraphs of the Act in that citation. Public Acts or Public Laws which do not appear in a published edition must be cited by name of Act, P.A. or P.L. number and effective date.~~

- d) Citations to statutes must be included immediately after the quotation or paraphrase as specified in Section 100.385. However, in the event that the Section of the Act being quoted has already been cited earlier in the Part, the agency shall only specify the Section and the title of the Act in which the quotation appears.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.390 Footnotes; Agency Notes; Editor's Notes

- a) Footnotes

An agency may include with its rules, as footnotes, the citations and brief digests of court cases and Attorney General's opinions. Footnotes shall be numbered in sequence, and the text of such footnotes shall be at the bottom of the same page where the footnotes appear in the text of the rule. Footnotes shall be the only notes allowed to be numbered in this manner.

- b) Agency notes

Occasionally an agency may need to explain something within the text of its rules; such explanation may not fit the normal format for codification. In such instances, an agency note may appear. The use of agency notes is discouraged. If the use of such a note is necessary, the agency shall contact the Administrative Code Division Index Department for the proper procedure prior to proposing rules or amendments, or prior to adopting emergency or peremptory rules or amendments,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

containing agency notes, since agency notes may take several forms. In addition, agency notes shall fit within the margin requirements of the subsections to which they refer, and shall not be labeled except by "Agency Note" unless otherwise authorized by the ~~Code-Division Index Department~~, and shall not contain either subsections or lettered or numbered phrases. Any agency notes included in an agency's rules are considered part of the rule and must be adopted, amended, or repealed in the same manner as the rules.

c) Editor's notes

Occasionally, in codification, the Administrative Code Division may add an editor's note which cross references the rules of two or more agencies or explains a particular way the rule was codified or explains Administrative Code database style. The ~~Administrative-Code-Division Index Department~~ is the only agency allowed to add Editor's Notes to a rule since the ~~Division Department~~ is the Editor of the Illinois Administrative Code. Such notes are not part of the rule but are used solely for informational purposes to aid the reader.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART D: PROPOSED RULES

Section 100.400

Required Notice Periods

- a) There are two notice periods required in rulemaking, pursuant to Section 5-40 of the IAPA:
- 1) The first notice period is at least 45 days in length from the date the proposed rules appear in the Illinois Register. During this first notice period, the agency must allow interested persons who submit a request to comment during the first 14 days of the notice period reasonable opportunity to comment on the proposed rule. Request to comment may be submitted either orally or in writing at the agency's discretion. If a public hearing is to be held on the proposed rule, and notice of such does not appear on the Notice of Proposed Rules (Amendments, Repealers) published in the Register, the agency may submit a Notice of Public Hearing on Proposed Rules for Register publication. (See 100.Appendix A, Illustration E) This Notice must meet the publication requirements outlined in Section 100.220.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 2) The second notice period begins on the day JCAR receives written notice from the agency and expires 45 days later unless, prior to that time, the agency and JCAR have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days or the agency receives either a statement of objection from JCAR or notification that no objection will be raised. (See 1 Ill. Adm. Code 220 for information on submitting rules to JCAR for the second notice period.)

- b) No more than one year may elapse from the date the proposed rule appeared in the Illinois Register until the date the rule is adopted or filed with the Administrative ~~Code-Division Index Department~~. Should more than one year elapse, such rule shall not be adopted or filed with the ~~Administrative-Code-Division Index Department~~. (See Section 5-40(e) of the Act) For example, if a proposed rule appears in the Illinois Register on March 1 of one year, it lapses on ~~March 1~~ February 11 of the following year unless ~~March 1~~ February 11 falls on a holiday or a weekend, in which case the lapsed time would be the following day.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.410 Notice of Proposed Rules

- a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (See Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the ~~Code-Division Index Department~~ with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text appears without underscoring):
- 1) The heading of the Part;
 - 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
 - 3) Section Numbers (list in numerical order) (new Section, amendment, include supplementary

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- material) repeal, renumber, etc.)
- 4) The specific statutory citation upon which the Part is based and authorized;
 - 5) A complete description of the subjects and issues involved;
 - 6) Whether the proposed rule will replace an emergency rule currently in effect;
 - 7) Whether the proposed rule contains an automatic repeal date;
 - 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
 - 9) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;
 - 10) A Statement of Statewide Policy Objectives (if applicable) (See Sections 100.110 and 100.415(b));
 - 11) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted. All persons who submit a request to comment within 14 days after this Notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments; and
 - 12) Initial Regulatory Flexibility Analysis (See "Regulatory Flexibility Analysis", Section 100.110);
 - A) Types of small businesses (See Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected
 - B) Reporting, bookkeeping or other procedures required for compliance
 - C) Types of professional skills necessary for compliance.
 - b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as shown above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. Appendices,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. All rules in which Sections and/or supplementary material which are listed incorrectly shall be returned to the agency for corrections prior to being published in the Illinois Register.
- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the ~~Administrative Code Division~~ Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the ~~Code-Division~~ Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.
 - d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The agency shall follow the procedure in Section 100.410(a)(1) through 100.410(a)(12), and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.
 - e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)(11) above) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for another type of public hearing is required by state statute to be published in the Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.430 Notice of Corrections

The ~~Administrative Code Division~~ Index Department shall, at the agency's request, publish notices of Corrections in the Register. Such Notices shall be prepared by the agency. Please refer to

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.240 and 100.250 for further information concerning Notices of Corrections.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.450 Administrative Code-Division Index Department Review of Proposed Rules

- a) The Code-Division Index Department staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary to produce the Register from the Legislative Information Service (LIS) database, the Code-Division Index Department staff will notify the agency, and the proposed rules, amendments or repealer will not be published in the Register until the material is corrected and re-submitted to the Code-Division Index Department. This review includes, but is not limited to, the following:
- 1) Register headings are correctly worded and spaced;
 - 2) Questions required pursuant to Section 100.410(a) and 100.Appendix A, Illustration A appear in the correct order with the following questions checked for accuracy:
 - A) The heading of the Part;
 - B) The Code Citation;
 - C) Section Numbers and Proposed Action;
 - 3) Appropriate source notes are included where necessary;
 - 4) One text version of the rules in ASCII format on a 3 1/2 inch disc. The disc shall be labeled with the proper code citation. One original and four (4) five (5) paper copies were submitted with the original pages containing the required questions compiled with the original pages containing text and the four (4) five (5) paper copies identically compiled;
 - 5) A cover letter accompanies the material for Register publication.
- b) The Administrative Code-Division Index Department will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a list of comments on the codification of the proposed rules to the agency and to JCAR. This review includes, but is not limited to, the following:
- 1) Headings in the Part's table of contents match exactly the headings in the text;
 - 2) Subsections are correctly labeled and/or indented;
 - 3) Source notes are correct;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 4) Titles of state Acts are correct and statutory citations and/or references to the Acts appear where necessary;
 - 5) Names of agencies are correct;
 - 6) Rules referenced properly and citations added where necessary;
 - 7) Renumbering done correctly, if applicable;
 - 8) Authority notes up-to-date and in the correct format;
 - 9) Typographical and other inadvertent errors noted.
- c) The Code-Division Index Department shall again review the rules for filing, publication, and codification system compliance at the end of the second notice period and upon the agency's submission of the rules for adoption and Register publication pursuant to Sections 100.545 and 100.550.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART E: ADOPTED RULES

Section 100.500 Requirements for Filing

- a) All rules, amendments or repealers shall be typewritten (or produced on word processing or computer equipment) on plain 8 1/2 x 11 inch, three-hole punched loose-leaf white paper (at least 20 lb. weight), suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100.Appendix B, Illustration D) All copies submitted shall not be stapled together.
- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Title number, centered on a solid line exactly one inch from the top of the page. On the right hand side of the solid line shall be the appropriate Chapter number and Part or Section number. (If an agency's word processing equipment cannot fit all this on the line, the word Chapter may be abbreviated to Ch. and the word Section may be abbreviated to Sec. or the Section Symbol may be used.)
 - 1) If the Part being filed is contained in a Title which has a Subtitle, the word SUBTITLE and its appropriate label (capital letter) shall be centered on the page on the next line immediately below the solid line.
 - 2) If the Part being filed is contained in a Chapter

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

which has a Subchapter, the word SUBCHAPTER and its appropriate label (lower case letter) shall be located on the next line immediately under the solid line on the right hand side of the page. For codified rules being filed, each Section must begin on a new page.

c) The Title and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code heading. (See subsection (b) above)

d) When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in subsections (b) and (c) above, as well as the following information:

- 1) For Sections which have been repealed and no text remains:
 - A) The Section number, the heading and the word "(Repealed)";
 - B) A Section source note containing the Register citation for the repeal.
- 2) For Sections which have been renumbered or recodified and no text remains:
 - A) The Section number, the heading and the word "(Renumbered)" or "(Recodified)";
 - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the Register citation for the action.
- 3) For Parts which have been repealed:
 - A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective headings;
 - B) The Part number and its heading with the word "(REPEALED)";
 - C) A source note containing the Register citation for the repeal.
- 4) For Parts which have been recodified and no text remains:
 - A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective headings;
 - B) The Part number and its heading with the word "(RECODIFIED)"

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- c) A source note containing the Register citation for the recodification action.
- e) Adopted rules filed with the ~~Code-Division~~ Index Department shall not contain either strike-outs or underscoring.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.510 Other Documents Required for Filing Adopted Rules

- a) Each adopted rule submitted by an agency to the Code Division for filing and publication shall be accompanied by the following:
- 1) An agency certification (See 100.Appendix B, Illustration C);
 - 2) A JCER Certification of No Objection issued on the rules, or, if JCER has issued an objection, the agency's response to such objection (see Section 100.440 and 100.Appendix A, Illustration C) and the JCER certification that the agency has responded to the objection unless the rules are statutorily exempt from JCER review;
 - 3) A cover letter (See Section 100.225);
 - 4) A written copy of the JCER-agency agreements (See definition of "agreements" in Section 100.110) issued on the rulemaking resulting from the meeting between JCER and the agency.
- b) In the event JCER does not issue either a Certification of No Objection or a Statement of Objection and the agency and JCER have not agreed to an extension of the review period, the agency may submit the rules for adoption after the expiration of the 45-day second notice period without the information required in subsection (a)(2) above. However, this must be stated on the cover letter so that the ~~Code-Division~~ Index Department will not reject the rules on this technicality.
- c) The ~~Code-Division~~ Index Department does not sign the Certificate of Review and Approval until the rules submitted meet the codification, filing and Register publication requirements outlined in this Part. The original Certificate is filed with the rules, amendments or repealer.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.530 Notice of Adopted Rules

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (1) through (16) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no other rulemaking action occurring at the same time), the text as it is on file in the ~~Code-Division Index Department~~ with all changes indicated by strike-outs and/or underscoring:
- 1) The heading of the Part;
 - 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
 - 3) Section numbers Adopted Action
(list in numerical order) (new Sections, amendments, repeals, renumbering, etc.)
 - 4) The specific statutory citation upon which the Part is based and authorized;
 - 5) The effective date of the adopted action (See also Section 100.550);
 - 6) Whether the rule contains an automatic repeal date (See Section 100.335);
 - 7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section 6.02(b) of the Act;
 - 8) Date filed in agency's principal office;
 - 9) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);
 - 10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:
 - A) Date and Register citation to the objection;
 - B) Date and Register citation to the agency's response;
 - C) Date agency submitted the response to JCAR;
 - 11) A statement of the changes made between the proposed and adopted versions;
 - 12) Whether all the changes agreed upon by JCAR and the agency have been made as indicated in the agreement letter issued by JCAR to the agency (See definition of "agreements," Section 100.110);
 - 13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- filed but has since expired, the answer to this question is "no";
- 14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
 - 15) Summary and purpose of rulemaking; and
 - 16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) If numbering changes are made, these changes must be specified on the Notice.
- c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the ~~Code-Division Index Department~~ staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Illinois Register and prior to its being filed and taking effect.
- d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repealers of Sections must be listed on the one Notice. The Administrative Code Division will accept only one Notice per Part for adopted rules for publication in a single issue of the Register, unless the agency is repealing the Part in its entirety and adopting a new Part with the same subject matter to replace the repealed Part. In this instance only, the ~~Code-Division Index Department~~ will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.
- e) If an agency is adopting several Sections which were

NOTICE OF PROPOSED AMENDMENTS

proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.540 Text of Adopted Rules

a) The text of the adopted rules shall begin on the next page following the last line of information required on the Notice by Section 100.530(a)(1) through (16) and Appendix B, Illustration A, shall contain the Register headings, the agency name and the action heading (NOTICE OF ADOPTED RULES (AMENDMENTS, REPEALER)), and shall include the following information for publication in the Register:

1) If the adopted rule is a new Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Part.

2) If the adopted rule is a new Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the Section being adopted. The table of contents must show by underscoring the Section number and heading being added. Subparts and their headings shall be shown in the text. The Section must also contain the appropriate Section source note(s). (See Section 100.330)

3) If the adopted rule is an amendment to the Part (changed language in one or more Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the Sections being amended identifying by strike-outs or underscoring the changes between the original rule on file with the Code-Division Index Department and the final version. Subparts and their headings shall be shown in the text. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the adopted amendments. Sections which are being either renumbered or repealed so that no text remains at that Section number shall have the word "(Repealed)" or "(Renumbered)", as the case may be, immediately following the Section heading in both the table of contents and the text. The Section(s) must also

NOTICE OF PROPOSED AMENDMENTS

contain the appropriate Section source note(s) (see Section 100.330).

4) If the adopted rule is a repealer of a Part: the full text shall not be published but the file copy must show the headings of the Part with "(Repealed)"; a source note with the repeal citation to the Illinois Register shall replace the main source note if the Part is not being replaced by new text. When the entire Part is being repealed, strike-outs shall not be used. The last line of the required information on the Notice pursuant to Appendix B, Illustration A shall be omitted.

5) If the adopted rule is a repealer of a Section with no other changes to the Part: the full text shall not be published in the Register but a new complete table of contents for the Part showing the word "(Repealed)" following the heading of the repealed Section must be filed along with a replacement page for the repealed Section. (See Section 100.500(d)) When an entire Section is being repealed with no other changes to the Part, strike-outs shall not be used. In this case, the last line of the required information on the Notice pursuant to Appendix B, Illustration A, shall be omitted.

b) If Sections of the Part have been renumbered, those changes must be indicated in the text and table of contents of the Part in the Register publication. The text of Sections which are being renumbered from another Section in its entirety shall appear in numerical order according to where they are being adopted as renumbered. (See Section 100.345)

c) If emergency amendments to the Part are in effect at the time new amendments are being adopted and the new amendments do not replace the emergency amendments, the table of contents for both filing and Register publication shall indicate the Sections on which emergencies are still in effect. (See Sections 100.620 and 100.630).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.545 ~~Code-Division~~ Index Department Review of Adopted Rules

The Administrative-Code-Division Index Department staff will review all adopted rules, amendments and repealers for publication, filing, and codification requirements upon the agency's submission

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

of the material to the Code-Division Index Department following the end of the second notice period.

- a) The Register version will be checked for compliance with this Part including, but not limited to, the following items:

- 1) Register headings ~~contain the~~ are correct ~~wording and spacing;~~
 - 2) All the questions required by Section 100.530(a) and 100. Appendix B, Illustration A appear in the correct order and, for the following questions, all responses are correct:
 - A) Heading of the Part;
 - B) Code Citation;
 - C) Section Numbers and Adopted Action;
 - D) Effective date. (No rules filed with the Code Division shall be retroactively effective.);
 - 3) The text begins on the proper page and is in the proper order;
 - 4) The changes requested by the Code-Division Index Department during the first notice period have been made;
 - 5) The rules (amendments, repealers)
 - A) Are labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
 - C) Contain headings which match exactly in the Part's table of contents and the text;
 - D) References to state Acts contain the correct title and that statutory citations appear where necessary;
 - E) Agencies and their rules are correctly listed and/or cited;
 - F) Source and authority notes are correct and updated.
 - 6) One ASCII format file on 3 1/2 inch disc. One original and four (4) paper copies are submitted and correctly compiled with all pages of the Notice in the right order, and with the pages containing the required questions and agency responses preceding the pages of text.
- b) The Code file version will be checked for compliance with this Part including, but not limited to, the following items:
- 1) The correct Code headings appear at the top of each page;
 - 2) Each Section begins on a new page;
 - 3) The changes requested by the Code-Division Index Department during the first notice period have been

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

made;

- 4) The rules (amendments, repealers)
 - A) Are labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
 - C) Contain headings which match exactly in the Part's table of contents and the text;
 - D) References to state Acts contain the correct title and that statutory citations appear where necessary;
 - E) Agencies and their rules are correctly listed and/or cited;
 - F) Source and authority notes are correct and updated.
- 5) One original and two (2) paper copies are submitted and correctly compiled with the original of the agency certification attached to the original of the text, and the copies of the agency certification are attached to each copy of the text;
- 6) The original and two copies are all three-hole punched, not stapled and printed on one side of the page;
- 7) The original is camera-ready (see definition of "camera-ready," Section 100.110);
- 8) Separate camera-ready originals of any tables, exhibits, illustrations, etc. which cannot be entered into the computer data base are submitted. These originals shall not be three-hole punched. The entire rulemaking package will be checked to ensure that the following items are included:
 - c) 1) The JCAR Certification of No Objection is attached or, if JCAR has issued an objection, the agency's response to the objection is in proper format pursuant to this Part;
 - 2) A copy of the JCAR agreement letter issued on the rulemaking resulting from the meeting between JCAR and the agency (see definition of "agreement," Section 100.110);
 - 3) The cover letter describing the material being submitted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.550 Certificate of Review and Approval

- a) Following the expiration of the second notice period, the agency shall submit a copy of both the Register and file copies of the final version of the rule for

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

review by the ~~Administrative Code Division~~ Index Department at least five (5) working days prior to the date the agency wishes to adopt, amend or repeal the rule. The ~~Code Division~~ Index Department will sign the Certificate of Review and Approval (100-Appendix B, Illustration C) when the material to be adopted meets the codification, filing and Register publication requirements outlined in this Part.

- b) The agency should, prior to submitting adopted rules for final review, check the text of the rules or amendments to ensure the inclusion of all agreements for changes made with JCAR (see definition of "Agreements," Section 100.110) and that the Administrative Code computer data base version is correct, and that all Administrative Code requirements have been met. If the agency determines that all material is correct, it shall so specify on the Notice of Adopted Rules (Amendments Repealer).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: EMERGENCY RULES

Section 100.600 Filing; Agency Certification

Emergency rules shall be filed with the ~~Administrative Code Division~~ Index Department as provided in this Subpart, Sections 100.220, 100.500, 100.510, and 100.540 of this Part and Section 5-45 of the IAPA. When an agency files an emergency rule, a situation must exist which the agency finds reasonably constitutes a threat to the public interest, safety or welfare. Accompanying the emergency rules must be:

- a) a certification of the emergency rules as shown in 100-Appendix C, Illustration C. This certification must specify the reason for the emergency, and
- b) A cover letter specifying the material being submitted and the reason for submission (filing, Register publication, review, etc.).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.610 Notice of Emergency Rules

- a) Each emergency rule submitted for publication in the Illinois Register shall include a Notice of Emergency Rules (Amendments, Repealers) (see 100-Appendix C, Illustration A) at the beginning of which the information listed in subsections (1) through (12) below shall appear. On the next page, the full text of the rules,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

amendments, or repealer and, if the rulemaking amends or repeals an existing Part, the text shall appear as it is on file in the ~~Code Division~~ Index Department with all changes indicated by strike-outs and/or underscoring.

- 1) The heading of the Part;
- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers (list in numerical order) (new Sections, (include supplementary amendments, repeals, renumbering, etc.)
- 4) The specific statutory citation upon which the rule is based and authorized;
- 5) The effective date of the rule (immediately or less than 10 days after filing);
- 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the general rulemaking process), please specify the date;
- 7) Date filed in agency's principal office;
- 8) The reason for the emergency;
- 9) A complete description of the subjects and issues involved;
- 10) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;

- 11) A Statement of Statewide Policy Objectives, if applicable (see also Sections 100.110 and 100.415(b));
- 12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.

- b) Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the ~~Code Division~~ Index Department staff to accurately compile the Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed in these

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

columns. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Register and prior to its being filed and taking effect.

c) All emergency action to one Part shall appear on one Notice, unless the Part is being repealed in its entirety and replaced by a new Part (same subject matter) by emergency action. In this instance only, two Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.640 Effectiveness

a) Pursuant to Section 5-45 of the IAPA, an emergency rule may be in effect for not longer than 150 days. No emergency rule may be adopted more than once in any 24-month period except as noted in Section 5-45 of the Act.

1) If the agency involved does not adopt, amend, or repeal, the rule through the general rulemaking process during the 150-day period, the rule shall automatically expire at the end of the period.

2) If the agency adopts the rule through the general rulemaking process prior to the expiration of the 150-day period, the permanently adopted rule will automatically replace the emergency rule.

3) If the emergency is due to expire before the expiration of the 150-day period (other than by means of adopting the rule through the general rulemaking process), the date on which the emergency rule is to expire shall be shown on the Notice of Emergency Rules (Amendments, Repealer).

b) In the event an emergency rule expires without being adopted through the general rulemaking process, the ~~Administrative Code Division~~ Index Department will replace the expired emergency Sections with the original text of the affected Sections in effect prior to the emergency. (See Section 5-45 of the IAPA) The agency shall file a new table of contents page(s) with the ~~Code Division~~ Index Department. The new table of contents shall not contain the word "EMERGENCY" under the Section numbers unless another emergency rule is still in effect

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

on that Part. It shall include an updated main source note entry indicating the emergency expiration date immediately following the emergency affected.

c) If the expiration involves a new Section, a new table of contents will be required with "emergency expired" noted next to the Section heading(s) involved; an entry following the emergency action noting the emergency expiration date in the main source note; and a replacement page for the Section showing the Section heading(s) followed by "(emergency expired)" and the Section source note reflecting the emergency action followed by the emergency expiration date.

d) If the expiration involves a new Part, a replacement page will be required for filing with the proper headings and a source note indicating the emergency action involved and the emergency expiration date.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.655 ~~Code Division~~ Index Department Review of Emergency Rules

The ~~Administrative Code Division~~ Index Department will review emergency rules (amendments, repealer) in accordance with the specifications listed in Section 100.545 with the following addition: The word EMERGENCY must appear immediately under the Section number of each Section affected both in the Part's table of contents and in the text both for the Register version and the file version.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.660 Certificate of Review and Approval

Emergency rules should be submitted to the ~~Code Division~~ Index Department for review five (5) working days prior to the date the emergency rule is to take effect. If time requires, however, the emergency rule may be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the filing and/or publication requirements as outlined in this Part have not been met, the material cannot be published until the appropriate corrections have been made and the material has been re-submitted to the ~~Code Division~~ Index Department. These codification changes shall affect neither the validity of the rule nor its effective date. When the rule meets the rulemaking requirements outlined in this Part, the ~~Code Division~~ Index Department will sign its Certificate of Review and Approval.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.670 Modification of an Emergency Rule

- a) To modify an emergency rule in response to an objection issued by JCAR, the agency must submit to the Code Division (1) one ASCII format file on 3 1/2 inch disc, one (1) original and four (4) paper copies of a Notice of Modification of Emergency Rules (Amendments, Repealer) in Response to a JCAR Objection which indicates the following:

- 1) The heading of the Part;
- 2) The Code citation;
- 3) Section numbers;
- 4) Illinois Register citation to the Notice of Emergency Rules (Amendments, Repealer);
- 5) Illinois Register citation to the JCAR Statement of Objection;
- 6) The effective date of the emergency rulemaking;
- 7) The date the modified rules were filed in the Code Division;
- 8) The specific modifications being made; and

- 9) The full text of the Sections being modified showing by strike-outs and underscoring the changes being made.

- b) The format for this Notice is shown in 100.Appendix C, Illustration D.
- c) The agency shall also submit one original and two (2) copies of the modified Sections for filing including the Part's table of contents and all affected Sections.
- d) A cover letter and agency certification must also accompany the materials listed above.
- e) These modifications do not extend the original 150 day time limit of the emergency rulemaking.
- f) The modified rules (amendments, repealer) must also meet all the codification, filing, and publication requirements as outlined in this Part prior to the Code Division's filing and publishing the Notice of Modification to Emergency Rules (Amendments, Repealer).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.680 Repeal of an Emergency Rule

If an emergency rule must be repealed before the end of the 150 day period (other than by means of a specified expiration date

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

specified on the original Notice of Emergency Rules (Amendments, Repealer), the repeal must be an emergency repeal even if done in response to a JCAR objection. Any rules which have been adopted and filed in the ~~Code Division~~ Index Department may not be withdrawn.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART G: PEREMPTORY RULES

Section 100.710 Notice of Peremptory Rules

- a) Each peremptory rule submitted for Register publication shall include a Notice of Peremptory Rules (Amendments, Repealers) (see 100.Appendix D, Illustration A) at the beginning of which shall appear the information listed in subsections (1) through (13) below. On the next page shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file in the Code Division with all changes shown by strike-outs and/or underscoring.

- 1) Heading of the Part;
- 2) Code Citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers (list in numerical order) (new Sections, (include supplementary amendments, repeals, renumbering, etc.)
- 4) Reference to the appropriate state or federal court order, federal law, or federal rule and the agency's reason for peremptory rulemaking;
- 5) Statutory authority;
- 6) Effective date;
- 7) A complete description of the subjects and issues involved;
- 8) Whether the rule contains an automatic repeal date;
- 9) Date filed in agency's principal office;
- 10) A statement that the rule is filed in compliance with Section 5-50 of the Act;
- 11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules;
- 12) A Statement of Statewide Policy Objectives (if applicable) see also Sections 100.110 and

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

100.415(b)); and

- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed.

b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repealer) (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. If an agency omits from this listing any Sections or supplementary material the text for which is included in the Notice, or lists any Sections or supplementary material the text for which is not included, or the action being taken is listed incorrectly, the materials will be returned to the agency for corrections prior to the ~~Code-Division's~~ Index Department's accepting the material for publication and filing.

c) All peremptory rulemaking action for one Part shall appear on one Notice. The Administrative Code Division will not accept for Register publication more than one Notice per Part per issue of the Register, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the ~~Code-Division~~ Index Department will accept two Notices, one for the repealed Part and one for the new Part, for publication in the same issue of the Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.735 ~~Code-Division~~ Index Department Review of Peremptory Rules

The ~~Administrative-Code-Division~~ Index Department will review peremptory rules (amendments, repealer) in accordance with the specifications listed in Section 100.545.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.740 Certificate of Review and Approval

Agencies should submit peremptory rules to the ~~Code-Division~~ Index Department for review at least five (5) working days before the rules are to become effective. If time requires, however, a peremptory rule will be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the material being submitted does not meet the filing and/or publication requirements as outlined in this Part, the material will be returned to the agency for corrections prior to being accepted for filing publication. When the Part meets the codification requirements outlined in this Part, the ~~Code-Division~~ Index Department will sign the Certificate of Review and Approval. See Section 100.550

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART H: INTERNAL RULES

Section 100.810 Effectiveness; Exemption from Notice

Rules filed pursuant to this Subpart become effective upon filing with the ~~Administrative-Code-Division~~ Index Department, and may be adopted, amended, or repealed without the Notice of Proposed Rules (Amendments, Repealer). Agencies shall submit a copy of both the Register version and the file version for review five (5) working days prior to the date the rules are to become effective. The file copy of such rules shall be as specified in Section 100.500. A Notice of Adopted Rules (Amendments, Repealer) and the text of the rules shall be submitted by the agency for publication in the Illinois Register as outlined in Sections 100.530 and 100.540. The agency shall also submit an agency certification of the rules as illustrated in 100.Appendix B, Illustration C and those documents specified in Section 100.510(a).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.815 ~~Code-Division~~ Index Department Review of Internal Rules

The ~~Administrative-Code-Division~~ Index Department will review all internal rules (amendments, repealer) for compliance with the filing, codification, and publication requirements pursuant to Section 100.545.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.820 Certificate of Review and Approval

Each internal rule submitted to the Administrative Code Division Index Department for filing and for Register publication shall be issued the signed Certificate of Review and Approval (100.Appendix B, Illustration C), indicating that the codification, filing, and publication requirements outlined in this Part have been met. (See Sections 100.450 and 100.550)

(Source: Amended at 18 Ill. Reg._____, effective _____)

SUBPART I: PROHIBITED FILING

Section 100.900 Certified Statements from Joint Committee on Administrative Rules

If JCAR prohibits the filing of a proposed rule or suspends an emergency or preemptory rule, pursuant to Sections 5-115 and 5-125 of the Act, it shall submit a certified statement prohibiting the rulemaking to the Administrative Code Division Index Department. The certified statement shall be in accordance with Illinois Register publication requirements as outlined in Section 100.220 of this Part.

(Source: Amended at 18 Ill. Reg._____, effective _____)

SUBPART J: PUBLIC INSPECTION AND COPYING

Section 100.1000 Certified Rules; Inspection

As specified by Section 5-65 of the IAPA, each agency is required to file both in the Office of the Secretary of State and the agency's principal office a certified copy of all rules adopted by the agency including any amendments to or repeal of such rules or portions thereof. Both the Administrative Code Division Index Department and the agency shall keep a permanent register of the rules which shall be open to public inspection.

(Source: Amended at 18 Ill. Reg._____, effective _____)

Section 100.1010 Photocopies and Fees

The Administrative Code Division Index Department shall provide a copy of any rule, including a certification thereof when requested, to the public upon request, either in person or in writing, such copies being subject to fees according to Ill. Rev. Stat. 1991, ch. 53, par. 24. (5 ILCS 290/10)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 18 Ill. Reg._____, effective _____)

Section 100.1020 Illinois Administrative Code

The Illinois Administrative Code provides public access to all the rules of the state's agencies on file with the Office of Secretary of State. The Administrative Code Division Index Department will publish an annual Code. The Illinois Register serves as the weekly update supplement to the Illinois Administrative Code.

(Source: Amended at 18 Ill. Reg._____, effective _____)

Section 100.1025 Public Domain

The codification system, the indexes, tables and other aides for locating rules prepared by the Secretary of State, notes, and other materials developed under this Section in connection with the publication of the Illinois Administrative Code and Illinois Register shall be the official compilation of the administrative rules of Illinois and shall be entirely in the public domain for purposes of federal copyright law. (Sec. 5-80 of the Act)

(Source: Amended at 18 Ill. Reg._____, effective _____)

Section 100.1030 State Property

Section 5-80 of the Act specifies that the codification system, indexes, tables, and other aids relevant to the publication of the Illinois Administrative Code shall be the property of the State. No person may attempt to copyright or publish for sale such materials except the Secretary of State as provided in this Section.

(Source: Amended at 18 Ill. Reg._____, effective _____)

SUBPART K: MISCELLANEOUS

Section 100.1100 Recodification of Rules

When an agency or the Administrative Code Division Index Department determines that, for public information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- a) an entire Part is being renumbered;
- b) more than 6 Sections of a Part are being renumbered;
- c) one or more Sections are being split into two or more

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- Sections;
 d) Two or more Sections are being combined into one Section;
 e) one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
 f) Subparts are being changed;
 g) Chapter numbers and/or headings are being changed;
 h) Subchapter labels or headings are being changed;
 i) Title numbers or headings are being changed;
 j) Subtitle labels or headings are being changed.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1110 Notice of Recodification

- a) An agency recodifying its existing rules with no substantive changes is exempt from the notice requirements of Section 5-40 of the IAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (See 100.Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:

- 1) The heading of the Part;
 - 2) The Code citation;
 - 3) The date of ~~Administrative Code Division Index~~ Department review;
 - 4) The current headings and numbers of the rules being recodified;
 - 5) The outline of headings of Sections of the rules as recodified;
 - 6) A conversion table of present and recodified rules.
- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the ~~Code Division Index~~ Department for review at least 30 days prior to the date the agency wishes to adopt the recodified Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1115 ~~Code Division Index~~ Department Review of Recodified Rules

The ~~Administrative Code Division Index~~ Department staff will review each recodified rule to check compliance with the specifications outlined in Section 100.545(b) and Appendix E, Illustration A.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1120 Certificate of Review and Approval

Prior to filing recodified rules with the ~~Administrative Code Division Index~~ Department, the agency must obtain a Certificate of Review and Approval from the ~~Code Division Index~~ Department (See Appendix E, Illustration C and Sections 100.450 and 100.550). Such Certificate shall only be issued when the rules being recodified meet the requirements not only of codification but also of filing and publication as outlined in this Part. Prior to accepting recodified rules for filing, the ~~Administrative Code Division Index~~ Department staff shall review the rules and the Notice of Recodification to ensure that they meet the codification, filing, and publication requirements as outlined in this Part and, if so, will issue a Certificate of Review and Approval. Please refer to Section 100.550 for further information on the Certificate of Review and Approval.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules

- a) The format for Register publication of JCAR Statements of Objection or Recommendation shall be as shown in Appendix E, Illustration E and as follows:

- 1) Under "Heading of the Part," the heading of the Part on which objections are being issued shall be listed as it appears on the Part's table of contents on file and in effect in the ~~Code Division Index~~ Department or, if the Part is a new one, as the heading appeared on the Part's table of contents as published in the Register. No Section headings are to be listed here.
 - 2) Under "Code Citation," the citation to the Part as it appeared in the proposal published in the Register shall be shown.
 - 3) Under "Section Numbers," the Section numbers as they appeared in the proposal shall be listed. No subsection labels are to be listed in this column.
 - 4) Under "Proposed Action," the action as shown on the Notice of Proposed Rules (Amendments, Repealer) shall be listed.
 - 5) Each page of the Notice shall have the four Register headings as shown in Appendix E, Illustration E.
- b) For all other Notices submitted by JCAR for Register publication:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Each page of the Notice shall contain the following:
 A) The Register heading (the words ILLINOIS REGISTER centered on a solid line one inch from the top of the page);
 B) The name of the agency in all capital letters one double-space under the solid line;
 C) The type of Notice in all capital letters one double-space under the agency name;
 D) The text of the Notice beginning one double-space under the type of Notice.
- 2) If the Notice concerns rules on file in the Code Division or a new Part being proposed, the first page shall also specify:
 A) The name of the agency whose rules the Notice concerns;
 B) The Code Citation for the Part;
 C) The Section Numbers of the Part involved.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1140 ~~Code-Division Index Department Review of Other Notices and Materials Submitted for Register Publication~~

The ~~Administrative-Code-Division Index Department~~ will review other Notices and materials submitted for Register publication to:

- a) determine whether they meet the publication requirements outlined in this Part, and
- b) determine whether they are statutorily required to be published in the Illinois Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1150 ~~Regulatory Agendas~~

Pursuant to Section 5-30 of the IAPA, an agency may submit for publication in the Illinois Register a regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. The format for a regulatory agenda appears in 100.Appendix E, Illustration F. All regulatory agendas submitted to the ~~Administrative-Code-Division Index Department~~ shall meet the requirements for Register publication as outlined in this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section 100.1200 ~~Availability~~

- a) Each state agency having rules on file in the Office of the Secretary of State, ~~Administrative-Code-Division Index Department~~, the constitutional officers, and members of the Illinois General Assembly shall receive, upon request, one complimentary set of the Illinois Administrative Code. Requests must be received in writing by the ~~Administrative-Code-Division Index Department~~. The Illinois State Library will receive forty (40) sets for the depository library program. Any additional sets desired by an agency must be purchased.
- b) All other persons, businesses, and organizations wishing to purchase sets of the Illinois Administrative Code may purchase them at the fee specified in Section 100.1210.
- c) All orders will be filled on a first-come, first-served basis.
- d) All requests for purchase must follow the procedures specified in Section 100.1210.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section 100.1210 ~~Fees~~

- a) The Illinois Administrative Code is available at a fee of \$290.00 per set from the ~~Administrative-Code-Division Index Department~~ which covers publication and mailing costs, as specified in Section 5-80(f) of the IAPA.
- b) All requests for complete sets of the Illinois Administrative Code may be charged to an accepted credit card ~~Master-Card-or-Visa~~ or must be requested in writing and accompanied by a check or money order made payable to SECRETARY OF STATE. Cash will not be accepted.
- c) Requests for complete sets of the Illinois Administrative Code will be honored on a first-come, first served basis until supplies are depleted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION A Notice of Recodification

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Date of ~~Administrative Code Division~~ Index Department Review: _____
- 4) Headings and Section Numbers of the Part Being Recodified: _____
Section Numbers Headings
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: _____
Section Numbers Headings
- 6) Conversion Table of Present and Recodified Parts: _____
Present Part Recodified Part
(Section Numbers) (Section Numbers)

(Source: Amended at 18 Ill. Reg. _____, effective _____)
(Source: Amended at 11 Ill. Reg. 724, effective May 1, 1987)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION C Certificate of Review and Approval
Certificate of Review and Approval

HEADING AND CODE CITATION

The ~~Administrative Code Division~~ Index Department certifies that the attached rule of the _____

(Name of Agency, Board, Commission or Department)

has been reviewed and approved this _____ day of _____, 19____.

Statutory Authority: _____

Illinois Compiled Statutes _____ ILCS _____

Signature of Officer

Title of Officer

AGENCY NOTE: The issuance of this Certificate indicates that the rule meets the requirements of codification, filing, and publication only.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION D Notice of Codification Changes

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part:
- 2) Code Citation: Ill. Adm. Code
- 3) Effective Date of Rules (Amendments, Repealer):
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register:
- 5) Pursuant to Section 5-80 of the Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1985, ch. 127, par. 1007(b)) the Administrative Code Division Index Department has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR (Joint Committee on Rules)
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-14225/93;A-609) (E-5355)(P-5027)
- 89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership Demonstration Program (P-3802)
- 89 Ill. Adm. Code 230 Older Americans Act Program (P-5720)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Act (P-14717;A-1825)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-14728/93;A-1833)
- 8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93; A-205)
- 8 Ill. Adm. Code 20 Definitions (P-14793;A-1844)
- 8 Ill. Adm. Code 85 Diseased Animals (P-14747/93;A-1850)
- 8 Ill. Adm. Code 116 Equine Infectious Anemia Control (P-14761/93;A-1861)
- 68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing (P-14765/93;A-1865)
- 8 Ill. Adm. Code 270 Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164)
- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-14769/93;A-1869)
- 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-14775/93;A-1875)
- 8 Ill. Adm. Code 125 Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-14781/93;A-1880)
- 8 Ill. Adm. Code 600 Weights and Measures Act (E-4426)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2090 Subacute Alcoholism and Substance Abuse Treatment Services (P-5029)

ATTORNEY GENERAL

- 14 Ill. Adm. Code 200 Franchise Disclosure Act (PP-2522)

AUDITOR GENERAL

- 2 Ill. Adm. Code 600 Public Information, Rulemaking, Organization and Personnel (A-6404)(AR-6440)

CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival and Amusement Park Inspection Law (P-6040)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
- 80 Ill. Adm. Code 302 Merit & Fitness (P-14788/93;A-1892)
- 80 Ill. Adm. Code 310 Pay Plan (P-13657/93;P-14314;A-227;A-1107)(P-21233/93;A-5146)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (A-3115)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 434 Audits, Reviews and Investigations (P-7115/93;A-6697)
- 89 Ill. Adm. Code 305 Client Service Planning (P-6467)
- 89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
- 89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683)(P-11964/93;A-5531)
- 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700)(P-11976/93;A-5540)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES	
80 Ill. Adm. Code 250	State Universities Civil Service System (P-18453/93;A-1901)
COMMERCE COMMISSION, ILLINOIS	
92 Ill. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630/93;A-1914)
14 Ill. Adm. Code 510	Illinois Promotion Act Programs (P-14318/93; A-1919)
83 Ill. Adm. Code 792	Impugnatio (P-11988/93;A-1919)
83 Ill. Adm. Code 790	Interconnection (P-19354/93;A-6147)
83 Ill. Adm. Code 535	Least-Cost Planning for Natural Utilities (PR-6081)
83 Ill. Adm. Code 590	Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
83 Ill. Adm. Code 770	Operator Service Providers (P-6099)
83 Ill. Adm. Code 315	Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-20219/93;A-676; M-795)
83 Ill. Adm. Code 280	Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918) (P-6382/93;A-6160)
83 Ill. Adm. Code 735	Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483;A-4146) (P-6386/93;A-6164)
92 Ill. Adm. Code 1236	Reinstatement of Revoked Operating Authority (P-8635/93;A-1924)
83 Ill. Adm. Code 285	Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rates (P-2723)
83 Ill. Adm. Code 425	Uniform Electric Fuel Adjustment (P-4483)
92 Ill. Adm. Code 1375	Uniform System of Accounts (P-8635/93;A-1927)
83 Ill. Adm. Code 415	Uniform System of Accounts for Electric Utilities (P-937) (P-4490)
83 Ill. Adm. Code 505	Uniform System of Accounts for Gas Utilities (P-946)
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
47 Ill. Adm. Code 160	Emergency Shelter Grants Program (P-15747/93;A-5163)
14 Ill. Adm. Code 520	Enterprise Zone Program (P-9791/93;A-5172)
14 Ill. Adm. Code 510	Ill. Promotion Act Programs (P-14318/93;A-5813)
14 Ill. Adm. Code 570	Illinois Small Business Development Program (P-21123/93;A-6112)
56 Ill. Adm. Code 509	Industrial Training Program (P-20063/93;RQ-6022)
56 Ill. Adm. Code 2600	Technology Delivery System & State Responsibility (P-805)
14 Ill. Adm. Code 545	Technology Advancement & Development Act Program (P-839)
56 Ill. Adm. Code 2630	Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855)
COMMISSIONER OF BANKS AND TRUST COMPANIES	
38 Ill. Adm. Code 380	Eligible State Bank (P-19347/93;A-4630)
COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE	
38 Ill. Adm. Code 1075	Savings Bank Act (E-7016)
COMMUNITY COLLEGE BOARD, ILLINOIS	
23 Ill. Adm. Code 1501	Administration of the Ill. Public Community College (P-569) (P-6686/93;A-4635)
COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS	
47 Ill. Adm. Code 700	By-laws (P-4530/93;A-5826)
COMPTROLLER, OFFICE OF THE	
74 Ill. Adm. Code 275	Transfers Between Accounts Within a Fund Held by State Treasurer (P-1664) (E-2119)
CONSERVATION, DEPARTMENT OF	
17 Ill. Adm. Code 130	Camping on Department of Conservation Properties (P-18721/93;A-1126)
17 Ill. Adm. Code 530	Cock Phasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)
17 Ill. Adm. Code 850	Commercial Fishing in Lake Michigan (P-22123/93;A-5834)
17 Ill. Adm. Code 830	Commercial Fishing and Muzzling in Certain Waters of the State (E-4761)(P-5372)
17 Ill. Adm. Code 2520	Confinement of Licenses (P-5821)
17 Ill. Adm. Code 730	Dove Hunting Season (P-3830)

(Conservation, cont.)	
17 Ill. Adm. Code 590	Duck, Goose and Coot Hunting (P-5065)
17 Ill. Adm. Code 910	Field Trials on Department-Owned Managed Sites (P-3846)
17 Ill. Adm. Code 1010	Ill. List of Endangered & Threatened Fauna (P-16273/93;A-1134)
17 Ill. Adm. Code 1050	Ill. List of Endangered & Threatened Flora (P-16255/93;A-1142)
17 Ill. Adm. Code 3010	Illinois Snowmobile Grant Program (P-5379)
17 Ill. Adm. Code 570	Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)
17 Ill. Adm. Code 1070	Possession of Specimens or Products of Endangered or Threatened Species (P-1;A-5838)
17 Ill. Adm. Code 550	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868)
17 Ill. Adm. Code 4010	Register of Land & Water Reserves (P-578)
17 Ill. Adm. Code 810	Sport Fishing Regulations for the Waters of Illinois (P-19785/93;A-3277)(E-5667)(P-6202)
17 Ill. Adm. Code 690	Squirrel Hunting (P-3193)
17 Ill. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156) (E-3751)
17 Ill. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season, The (P-3884)
17 Ill. Adm. Code 715	Taking of Wild Turkeys-Fall Out Season, The (P-3895)
17 Ill. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)
17 Ill. Adm. Code 650	White-Tailed Deer Hunting by Use of Firearm (P-21927/93;A-5859)
17 Ill. Adm. Code 660	White-Tailed Deer Hunting Season by Use of Muzzleloading Rifle (P-21952/93;A-5878)
17 Ill. Adm. Code 740	Woodcock, Snipe, Rail, and Teal Hunting (P-3986)
CORRECTIONS, DEPARTMENT OF	
20 Ill. Adm. Code 420	Assignment of Committed Persons (P-19367/93;A-2929)
20 Ill. Adm. Code 460	Impact Incarceration Program (P-19371/93;A-2933)
20 Ill. Adm. Code 107	Records of Committed Persons (P-19377/93;A-2939)
20 Ill. Adm. Code 405	School District (P-19405/93;A-2970)
20 Ill. Adm. Code 501	Security (P-8396/93;A-6328)
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS	
20 Ill. Adm. Code 1570	Fees for Processing Requests for Conviction Information (P-201136/93;A-4679)
20 Ill. Adm. Code 1810	Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)
20 Ill. Adm. Code 1800	Trust Fund Collection Rules (P-20539/93;A-4852)
EDUCATION, STATE BOARD OF	
23 Ill. Adm. Code 610	Article 34 School and Subdistrict Councils (P-3449)
23 Ill. Adm. Code 210	Learning Assessment & School Improvement Plans (P-10061/93;A-1169)
23 Ill. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)
23 Ill. Adm. Code 550	Reorganization Committee (PR-17611/93;AR-5551)
23 Ill. Adm. Code 226	Special Education (P-13231/93;A-1930)(P-18405/93;A-4685)(P-6482)
23 Ill. Adm. Code 170	Sprinkler System (P-18419/93;A-4699)
23 Ill. Adm. Code 245	Urban Education Partnership Program (P-10131/93;A-237)
ELECTIONS, STATE BOARD OF	
23 Ill. Adm. Code 125	Practice and Procedure (P-6509)
EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
29 Ill. Adm. Code 1310	Emergency Management Assistance Program (P-13849/93;A-6394)
29 Ill. Adm. Code 1300	Emergency Services and Disaster Agencies: Establishment, and Workers' Compensation (P-13856/93;A-6386)
29 Ill. Adm. Code 300	Local Emergency Services and Disaster Agencies: Establishment, Jurisdiction, and Accreditation (PR-13865/93;AR-6384)
29 Ill. Adm. Code 510	Workers' Compensation Coverage (PR-13875/93;A-6382)
EMPLOYMENT SECURITY, DEPARTMENT OF	
56 Ill. Adm. Code 2915	Academic Personnel (P-19415/93;A-4154)
56 Ill. Adm. Code 2865	Claimant's Availability for Work: Ability to Work and Active Search for Work (P-19421/93;A-4160)
56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-17628/93;A-250)
56 Ill. Adm. Code 2920	Disqualifying Income and Reduced Benefits (P-19427/93;A-4166)
56 Ill. Adm. Code 2760	Notices, Records, Reports (P-16319/93;A-261) (E-2631)

ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 372 Illinois Design Standards for Slow Rate Land Application of Treated Wastewater (P-4524)
- 35 Ill. Adm. Code 370 Illinois Recommended Standards for Sewage Works (CC-6375)
- 35 Ill. Adm. Code 184 Licensing of Industrial Hygienists (P-4)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 120 Currency Exchange Rate (P-6929/93;W-6454)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS OF

- 77 Ill. Adm. Code 2530 Hospital Price Information (P-19007/93;A-5343)
- 77 Ill. Adm. Code 2510 Data Collection (P-18944/93;A-5300)

HIGHER EDUCATION, BOARD OF

- 23 Ill. Adm. Code 1020 Health Services Education Grant (P-17639/93;A-4174)
- 23 Ill. Adm. Code 1110 Program Accounting Manual (P-18283/93;A-5178)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 360 Affordable Housing Program (P-1669) (E-2124)
- 47 Ill. Adm. Code 365 Affordable Housing Bond Program (P-956;E-1596)
- 47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (A-1939)

HUMAN RIGHTS, DEPARTMENT OF

- 2 Ill. Adm. Code 926 Access to Information (P-512)
- 2 Ill. Adm. Code 925 Rulemaking and Organization (P-525)

INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 1250 Corrective Orders (P-3985/93;A-2230)
- 50 Ill. Adm. Code 1103 Life Reinsurance Agreement (P-8411/93;A-685)
- 50 Ill. Adm. Code 2012 Long-term Care Insurance (P-11279/93;A-2238)
- 50 Ill. Adm. Code 2018 Long-Term Care Partnership Insurance (P-3919)
- 50 Ill. Adm. Code 3119 Pre-Licensing and Continuing Education (P-3964)
- 50 Ill. Adm. Code 855 Prior Notification of Dividends on Common Stock and Other Distributions (P-21264/93;A-6168)
- 50 Ill. Adm. Code 854 Prior Notification of Transactions (P-21143/93;A-6176)
- 50 Ill. Adm. Code 6201 Requirements (A-2282)
- 50 Ill. Adm. Code 2017 Uniform Medical Claim and Billing (P-37)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1 Ill. Adm. Code 255 Distribution of Database Information (E-5359)
- 1 Ill. Adm. Code 260 Complaint Review (P-13233/93;A-4705)
- 1 Ill. Adm. Code 245 Expedited Corrections (P-13248/93;A-4720)
- 1 Ill. Adm. Code 250 Five Year Evaluation of All Existing Rules (P-13257/93;A-4728)
- 1 Ill. Adm. Code 210 General Policies (P-13268/93;A-4739)
- 1 Ill. Adm. Code 220 Review of Emergency Rulemaking (P-13233/93;A-1233)
- 1 Ill. Adm. Code 240 Review of Preemptory Rulemaking (P-13294/93;A-4745)
- 1 Ill. Adm. Code 220 Review of Proposed Rulemaking (P-13307/93;A-4758)

LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 350 Health & Safety (P-1672)

LIQUOR CONTROL COMMISSION, ILLINOIS

- 11 Ill. Adm. Code 100 The Illinois Liquor Control Commission (P-20094/93;A-4811)

LOTTERY, DEPARTMENT OF

- 11 Ill. Adm. Code 1700 Hearings (P-5394)
- 11 Ill. Adm. Code 1770 Lottery (General) (P-6519)

LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

- 2 Ill. Adm. Code 2950 Information, Rulemaking and Organization (A-5889)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 101 Administration (P-10688/93;A-4179)
- 59 Ill. Adm. Code 122 Certification Under Medicaid Rehabilitation Option for Early Intervention Program (P-3969)
- 59 Ill. Adm. Code 121 Early Intervention Program (P-3976)
- 59 Ill. Adm. Code 132 Medicaid Community Health Services Program (P-3902)
- 59 Ill. Adm. Code 120 Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (P-3990)

NATURE PRESERVES COMMISSION

- 17 Ill. Adm. Code 4000 Management of Nature Preserves (P-12005/93;A-2290)

NORTHEASTERN ILLINOIS PLANNING COMMISSION

- 35 Ill. Adm. Code 399 Collection of Fees from Applicants requesting to change the Boundaries of a Wastewater Facility Planning Area (P-2552)

NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 405 Certification of Individuals to Perform Industrial Radiography (P-3326)
- 32 Ill. Adm. Code 333 Fees for Calibration Services (P-9797/93;A-2615)
- 32 Ill. Adm. Code 331 Fees for Radioactive Material Licenses (P-3045)
- 32 Ill. Adm. Code 330 Licensing of Radioactive Material (P-14417/93;A-5553)
- 32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)
- 32 Ill. Adm. Code 400 Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)
- 32 Ill. Adm. Code 390 Particle Accelerators (P-8666/93;A-3143)
- 32 Ill. Adm. Code 351 Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93;A-3344)
- 32 Ill. Adm. Code 320 Registration of Radioactive Material, Radiation Machines, and Radiation Installations (P-8693/93;A-3363)
- 32 Ill. Adm. Code 505 Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)
- 32 Ill. Adm. Code 341 Transportation of Radioactive Material (P-13933/93;A-4196)
- 32 Ill. Adm. Code 360 Use of X-Ray in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (P-3996)

POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-1249/93;A-1253)
- 35 Ill. Adm. Code 304 Effluent Standards (P-15223/93;A-267;P-2560)
- 35 Ill. Adm. Code 620 Groundwater Quality (P-5113)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-337;A-6720)(P-6553)
- 35 Ill. Adm. Code 106 Hearings Pursuant to Specific Rules (P-959;A-4240)
- 35 Ill. Adm. Code 721 Identification and Listing of Hazardous Waste (P-357;A-6741)(P-6526)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771)(C-5011)(P-6568)
- 35 Ill. Adm. Code 728 Land Disposal Restrictions (P-388;A-6799)(C-5013)(P-6535)
- 35 Ill. Adm. Code 203 Major Stationary Sources Construction and Modification (P-18754/93;A-6335)
- 35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-1249/93;A-1945)
- 35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-20203/93;A-4242)
- 35 Ill. Adm. Code 105 Permits (16366/93;A-4244)
- 35 Ill. Adm. Code 732 Petroleum Underground Storage Tanks (P-5403)
- 35 Ill. Adm. Code 702 RCRA and UIC Permit Programs (P-406;A-6918)
- 35 Ill. Adm. Code 703 RCRA Permit Program (P-419;A-6898)(P-6580)
- 35 Ill. Adm. Code 817 Requirements for New Steel and Foundry Industry (P-6246)
- 35 Ill. Adm. Code 810 Solid Waste Disposal: General Provisions (P-8702/93;A-1268)
- 35 Ill. Adm. Code 814 Standards for Existing Landfills & Units (P-8714/93;A-1284)
- 35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (P-6600)
- 35 Ill. Adm. Code 739 Standards for the Management of Used Oil (P-455;A-6931)(C-5017)
- 35 Ill. Adm. Code 811 Standards for New Solid Waste Landfills (P-8726/93;A-1308)(C-4434)
- 35 Ill. Adm. Code 724 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439;A-6973)(C-5015)(P-6641)
- 35 Ill. Adm. Code 303 Water Use Designations & Site Specific Water Quality Standards (P-8726/93;A-2981)
- 35 Ill. Adm. Code 212 Viable & Particulate Matter Emissions (P-967)

PROFESSIONAL REGULATIONS, DEPARTMENT OF

68 Ill. Adm. Code 1175 Barber, Cosmetology, Esthetics, and Nail Technology Act (P-2021/793;A-4856)
68 Ill. Adm. Code 1505 Certified Veterinary Technicians Act (P-5737)
68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (P-2566)
68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435/93;A-2370)
68 Ill. Adm. Code 1315 Illinois Occupational Therapy Practice Act (P-590)
68 Ill. Adm. Code 1270 Illinois Professional Land Surveyor Act of 1989 (P-14550/93;A-5900)
68 Ill. Adm. Code 1283 Marriage and Family Therapy Licensing Act (P-5477)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (RQ-21209/93;EC-312)
68 Ill. Adm. Code 1455 Real Estate Appraiser Certificates (P-16379/93;A-2379)
68 Ill. Adm. Code 102 Rights and Responsibilities (P-2602)
68 Ill. Adm. Code 1480 Structural Engineering Licensing Act of 1989 (P-5749)
68 Ill. Adm. Code 1500 Veterinary Medicine and Surgery Practice Act (P-5758)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-2753;A-4546)(P-19436/93;A-5909)(P-22247/93;A-6994)
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-13380/93;A-2018)(P-4562)
89 Ill. Adm. Code 111 Assistance Standards (P-18764/93;A-2029)(P-22262/93;A-7009)
89 Ill. Adm. Code 160 Child Support Enforcement (P-497)(P-12067/93;A-697)
89 Ill. Adm. Code 170 Demonstration Programs (P-19440/93;A-3372)
89 Ill. Adm. Code 149 Diagnostic Related Grouping (DRG) Prospective Payment System (PPS) (P-15243/93;A-3378)
89 Ill. Adm. Code 121 Food Stamps (P-18425/93;A-2033)(P-2178)(E-2509)(P-16405/93;A-3427)(P-4575)(P-6251)
89 Ill. Adm. Code 114 General Assistance (P-19443/93;A-3436)(P-4586)
89 Ill. Adm. Code 152 Hospital Reimbursement Changes (P-1677)(E-2150)
89 Ill. Adm. Code 148 Hospital Services (P-15291/93;A-3450)(P-5135)
89 Ill. Adm. Code 153 Long Term Care Reimbursement Changes (P-1686)(E-2159)
89 Ill. Adm. Code 120 Medical Assistance Programs (P-13392/93;A-2051)(P-4063)(P-221266/93;A-5934)
89 Ill. Adm. Code 140 Medical Payment (P-18436/93;A-3620)(P-17736/93;A-3620)(P-15444/93;A-4250)(P-4077)(P-4597)(P-5778)
(P-18766/93;A-5931)
89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-14803/93;A-2405)(P-18788/93;A-4274)
89 Ill. Adm. Code 117 Related Program Provisions (P-21156/93;A-3746)
89 Ill. Adm. Code 102 Rights and Responsibilities (P-15461/93;A-273)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 692 AIDS Drug Reimbursement Program (P-12590/93;A-1427)
77 Ill. Adm. Code 598 Allied Health Care Professional Assistance Law (P-3077)
77 Ill. Adm. Code 205 Ambulatory Surgical Treatment Center Licensing Requirements (P-6653)
77 Ill. Adm. Code 665 Child Health Examination Code (P-2697/93;A-4286)
77 Ill. Adm. Code 690 Communicable Disease Control & Immunizations (P-1690)
77 Ill. Adm. Code 635 Family Planning (P-19882/93;A-5969)
77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-46)
77 Ill. Adm. Code 790 Illinois Formulary for the Drug Product Selection Program (PR-3202;P-3205)(ER-3755;E-3778)
77 Ill. Adm. Code 596 Illinois Rural Health Code (P-3086)
77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-12104/93;A-1432)(P-4904)
77 Ill. Adm. Code 245 Illinois Home Health Agency Code (P-147/93;A-2414)
77 Ill. Adm. Code 540 Illinois Trauma Center Code (P-12101/93;A-2620)
77 Ill. Adm. Code 610 Local Health Department Development Grant Rules (P-14824/93;A-4310)
77 Ill. Adm. Code 615 Local Health Protection Grant Rules (P-17798/93;A-4320;PR-17741/93;AR-4317)
77 Ill. Adm. Code 390 Long-term Care for Under Age 22 Facilities Code (P-12128/93;A-1453)(P-4924)
77 Ill. Adm. Code 630 Maternal and Child Health Services Code (P-3069/93;A-4380)
77 Ill. Adm. Code 600 Minimum Qualifications for Personnel Employed by Local Departments Code (P-14806/93;A-4476;PR-14831/93;AR-4422)
77 Ill. Adm. Code 1100 Narrative & Planning Policies (P-12606/93;A-2986)
77 Ill. Adm. Code 1110 Processing, Classification Policies & Review Criteria (P-12593/93;A-2993)
77 Ill. Adm. Code 505 Pregnancy Termination Report Code (P-13631/93;A-533)
77 Ill. Adm. Code 960 Preventive Health & Health Services Block Grant Programs (P-2180)
77 Ill. Adm. Code 960 Preventive Health & Health Services Block Grant PHHS Rules (P-2205)
77 Ill. Adm. Code 940 Regional Ambulance Services Code (P-595;A-6340)

(Public Health, cont.)

77 Ill. Adm. Code 420 Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Procedure in Administrative Hearings (P-12153/93;A-5980)
77 Ill. Adm. Code 100 Rules of Practice and Procedure in Administrative Hearings (P-4942)
77 Ill. Adm. Code 1400 Sale of Bonds (P-4538)
77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-12205/93;A-1491)(P-4961)
77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-12205/93;A-1491)(P-4961)
77 Ill. Adm. Code 270 Subacute Care Hospital Demonstration Program Code (P-9654/93;A-2424)
77 Ill. Adm. Code 672 WIC Vendor Management Code (P-12228/93;A-2450)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 206 Board Meetings (P-112)
11 Ill. Adm. Code 208 Charitable Funds (P-115)
11 Ill. Adm. Code 510 Claiming Races (P-15790/93;A-2064)(P-5500)
11 Ill. Adm. Code 1405 Clerk of the Scales (P-5503)
11 Ill. Adm. Code 210 Definitions (P-19057/93;A-2072)
11 Ill. Adm. Code 401 Definitions (P-10030/93;A-2087)
11 Ill. Adm. Code 1304 Definitions (P-19033/93;A-2088)
11 Ill. Adm. Code 501 Definitions & Interpretations (P-19040/93;A-2089)
11 Ill. Adm. Code 1401 Definitions & Interpretations (P-19050/93;A-2090)
11 Ill. Adm. Code 1413 Entries, Subscriptions and Declarations (P-5505)
11 Ill. Adm. Code 207 Executive Secretary (P-124)
11 Ill. Adm. Code 1313 General License Rules (P-6680)
11 Ill. Adm. Code 204 Hearings and Enforcement Proceedings (P-126)
11 Ill. Adm. Code 1411 Jockeys, Apprentice Jockeys, Agency & Valets (P-19892/93;A-2092)
11 Ill. Adm. Code 502 Licensing (P-5508)
11 Ill. Adm. Code 509 Medication (A-2095;P-2832)(P-5795)
11 Ill. Adm. Code 405 Pari-Mutuels (P-2838)
11 Ill. Adm. Code 308 Pick (N) Pools (P-1773)
11 Ill. Adm. Code 1440 Quarter Horse Racing (P-15799/93;A-2098)
11 Ill. Adm. Code 1415 Starting (P-5512)
11 Ill. Adm. Code 311 Superfecta (P-1780)
11 Ill. Adm. Code 433 Totalizer Operations (P-137)

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 515 Advisory Councils (P-2846)
89 Ill. Adm. Code 688 Illinois-Long-Term Care Partnership Demonstration Program (P-4093)
89 Ill. Adm. Code 830 Non-Academic Programs and Policies (P-6267)
89 Ill. Adm. Code 546 Public Use of DQRS Facilities (P-1784)
89 Ill. Adm. Code 640 Projects with Industry (P-4097)
89 Ill. Adm. Code 590 Services (P-3106)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 430 Bingo License and Tax Act (P-4101)
86 Ill. Adm. Code 435 Charitable Games Act (P-4109)
86 Ill. Adm. Code 100 Income Tax (P-15471/93;A-1510)(P-17861/93;A-2494)
86 Ill. Adm. Code 500 Motor Fuel Tax (CC-4451)
86 Ill. Adm. Code 750 Payment of Taxes by Electronic Funds Transfer (P-6112)
86 Ill. Adm. Code 432 Pull Tabs and Jar Games Act (P-4117)
86 Ill. Adm. Code 120 Real Estate Transfer Tax (P-1789)
86 Ill. Adm. Code 130 Retailers' Occupation Tax (P-982)(P-15501/93;A-1537)(P-6684)
86 Ill. Adm. Code 140 Service Occupation Tax (P-15515/93;A-1550)
86 Ill. Adm. Code 160 Service Use Tax (P-15522/93;A-1557)
86 Ill. Adm. Code 700 Uniform Penalty & Interest Act (P-16421/93;A-1561)
86 Ill. Adm. Code 150 Use Tax (P-15527/93;A-1584)

ILLINOIS REGISTER
CUMULATIVE INDEX

May 6, 1994

Vol. 18, Issue #18

SECRETARY OF STATE

- 1 Ill. Adm. Code 100 General Provisions (P-7087)
 - 14 Ill. Adm. Code 150 Business Corporation Act (P-1793)
 - 92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-1797)(P-2608)(P-2853)
 - 92 Ill. Adm. Code 1060 Commercial Driver Training Schools (P-142)
 - 92 Ill. Adm. Code 1070 Ill. Safety Responsibility Law (P-2217)
 - 92 Ill. Adm. Code 3070 Illinois State Library Training Program Grants (P-19460/93;A-4981)
 - 92 Ill. Adm. Code 1030 Issuance of Licenses (P-993)(P-15803/93;A-1591)
 - 23 Ill. Adm. Code 3040 Literacy Grant Program (P-18441/93;A-4990)
 - 23 Ill. Adm. Code 3060 Public Library Construction Grants (P-18687/93;A-4996)
 - 14 Ill. Adm. Code 180 Uniform Commercial Code (P-18793/93;A-2101)
- STATE FIRE MARSHALL, OFFICE OF**
- 41 Ill. Adm. Code 200 Storage, Transportation, Sale and Use of Liquefied Petroleum (P-22)
- STATE POLICE MERIT BOARD, DEPARTMENT**
- 2 Ill. Adm. Code 2050 Public Information, Rulemaking and Organization (A-6019)
- STUDENT ASSISTANCE COMMISSION, ILLINOIS**
- 23 Ill. Adm. Code 2771 College Savings Bond Bonus Incentive Grant (Big) Program (P-1006)
 - 23 Ill. Adm. Code 2720 Federal Family Education Loan Program (P-1013)
 - 23 Ill. Adm. Code 2700 General Provisions (P-1037)
 - 23 Ill. Adm. Code 2731 Grant Programs for Dependents of Correctional Officers (P-1054)
 - 23 Ill. Adm. Code 2730 Illinois National Guard Program (P-1058)
 - 23 Ill. Adm. Code 2733 Illinois Veteran Grant (IVG) Program (P-1064)
 - 23 Ill. Adm. Code 2761 Merit Recognition Scholarship (MRS) Program (P-1073)
 - 23 Ill. Adm. Code 2763 Minority Teachers of Ill. (MTT) Scholarship Program (P-1080)
 - 23 Ill. Adm. Code 2762 Paul Douglas Teacher Scholarship Program (P-1089)
 - 23 Ill. Adm. Code 2732 Police Officer/Fire Officer Survivor Grant Program (P-1098)
 - 23 Ill. Adm. Code 2760 State Scholar Program (P-1073)(P-1803)
 - 23 Ill. Adm. Code 2770 Student to Student (STS) Program of Matching Grants (P-1102)

TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS

- 80 Ill. Adm. Code 1650 The Administration and Operation of the Teachers' Retirement System (A-22487/93;P-

TRANSPORTATION, DEPARTMENT OF

- 92 Ill. Adm. Code 14 Aviation Safety (P-5796)
- 92 Ill. Adm. Code 700 Construction in Floodways of Rivers, Lakes & Streams (P-607) (E-790)
- 92 Ill. Adm. Code 397 Driving & Parking (P-13686/93;A-736)
- 92 Ill. Adm. Code 392 Driving of Motor Vehicles (P-13690/93;A-740)(P-2909)
- 92 Ill. Adm. Code 600 Employee Commute Options (P-12613/93;A-540)
- 92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1811)
- 92 Ill. Adm. Code 395 Hours of Service of Drivers (P-13693/93;A-743)
- 92 Ill. Adm. Code 396 Inspection, Repair & Maintenance (P-13699/93;A-749)
- 92 Ill. Adm. Code 440 Minimum Safety Standards for Construction of Type I School Buses (P-6272)
- 92 Ill. Adm. Code 442 Minimum Safety Standards for Construction of Type II School Buses (P-6304)
- 92 Ill. Adm. Code 444 Minimum Safety Standards for Construction of School Buses used in Special Education Transportation (P-6318)
- 92 Ill. Adm. Code 390 Motor Carrier Safety Regs. (P-13986/93;A-754)(P-2912)
- 92 Ill. Adm. Code 456 Non-scheduled Bus Inspections (P-4126)
- 92 Ill. Adm. Code 393 Parts & Accessories Necessary for Safe Operation (P-13730/93;A-774)
- 44 Ill. Adm. Code 650 Prequalification of Contractors & Issuance of Plans & Proposals (P-3208)
- 92 Ill. Adm. Code 386 Procedures & Enforcement (P-13734/93;A-778)
- 92 Ill. Adm. Code 391 Qualification of Drivers (P-13739/93;A-783)
- 92 Ill. Adm. Code 518 Relocation Assistance and Payments Program (P-12628/93;A-283)
- 92 Ill. Adm. Code 533 Use and Enjoyment of Rest Areas (P-18447/93;A-2625)

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #18

May 6, 1994

UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF

- 23 Ill. Adm. Code 1300 Certificate of Certified Accountants (P-5515)
- 89 Ill. Adm. Code 1200 Program Content & Guidelines for Division of Specialized Care for Children (P-7780/93;A-2104)

NOTICE OF PUBLIC HEARINGS

- CARNIVAL-AMUSEMENT SAFETY BOARD**
- 56 Ill. Adm. Code 6000; Carnival and Amusement Ride Inspection Law

6187

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 408; Licensing Standards for Group Day Care Homes
- 89 Ill. Adm. Code 406; Licensing Standards for Day Care Homes

5364

5363

PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD

- 77 Ill. Adm. Code 830; Structural Pest Control Code

2174

NOTICE OF PUBLIC INFORMATION

AGRICULTURE, DEPARTMENT OF

- Animal Diagnostic Laboratory Act

2527

ATTORNEY GENERAL, ILLINOIS

- Proposed Consent Decree pursuant to the Comprehensive Environment Response, Compensation & Liability Act & the Ill. Environmental Protection Act;
- Amoco Chemical/Joliet Landfill

3035

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- Notice of Public Meeting of the Illinois Fiduciary Advisory Committee
- Notice of Public Meeting-State Banking Board of Ill. and the Board of Trustees of the Ill. bank Examiner's Education Foundation

556

2528

ENVIRONMENTAL PROTECTION AGENCY

- Lining of Derived Water Criteria

318

INSURANCE, DEPARTMENT OF

- Long-Term Care Partnership Insurance

4464

POLLUTION CONTROL BOARD

- Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) (415 ILCS 5/7.2(b))

3154

PUBLIC AID, DEPARTMENT OF

- Proposed change in Reimbursements to Hospitals under the Medicaid Program

5020

REVENUE, DEPARTMENT OF

- Private Letter Rulings, Illinois Department of Labor Sunshine Act [20 ILCS 2515/1, et seq.]

7028

NOTICE OF CORRECTIONS

LIEUTENANT GOVERNOR, OFFICE OF THE

- Keep Ill. Beautiful Program; 47 Ill. Adm. Code 600

796

REVENUE, DEPARTMENT OF

- Index of Letter Rulings (Third Quarter 1993) (ROT)

3016

SECRETARY OF STATE

- Ill. Safety Responsibility Law; 92 Ill. Adm. Code 1070

3016

NOTICE OF REQUEST FOR EXPEDITED CORRECTIONS

POLLUTION CONTROL BOARD

- Procedural Requirements for Permitted Landfills; 35 Ill. Adm. Code 813
- Standards for New Solid Waste Landfills; 35 Ill. Adm. Code 811

3018

3021

NOTICE OF EXPEDITED CORRECTIONS

COMMUNITY COLLEGE BOARD, ILLINOIS

- Administration of the Ill. Public Community Act; 23 Ill. Adm. Code 1501

3027

REGULATORY FLEXIBILITY IMPACT ANALYSIS

- COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 2533, 2534, 3037, 3793, 3794, 4466, 6452, 6453, 7068, 7069

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Meeting of January 11, 1994
Meeting of February 15, 1994
Meeting of March 22, 1994
Meeting of April 19, 1994

SECOND NOTICES RECEIVED

334, 557, 801, 1658, 2175, 2543, 2668, 3038, 3156, 3795, 4474, 5022, 5365, 5711, 6029, 6188, 6455, 7072

JOINT COMMITTEE ON ADMINISTRATIVE RULES-STATEMENTS OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 2650, Recommendation

3151

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Licensing Standards for Day Care Homes; 89 Ill. Adm. Code 406, Recommendation

3152

Licensing Standards for Group Day Care Homes; 89 Ill. Adm. Code 408, Recommendation

3153

EMPLOYMENT SECURITY

Notice, Records, Reports; 56 Ill. Adm. Code 2760, Objection

7070

FINANCIAL INSTITUTIONS

Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory

Currency Exchange; 38 Ill. Adm. Code 130, Withdrawal of Filing Prohibition

7071

EXECUTIVE ORDERS AND PROCLAMATIONS

94-1 The Illinois Task Force on School-To-Work Transition

1659

94-2 Executive Order Creating The Illinois Commission on Regulatory Review

1661

94-3 Flood Transfer III

2669

94-4 Danville Sewage Treatment Facility

7074

PROCLAMATIONS

93-553 Financial Literacy for Youth Month

336

93-554 Religious Freedom Day

559

93-555 Franchising Week

559

93-556 Self-Esteem Month

560

94-1 Black Data Processing Associates Day

802

94-2 Seroma National Heritage Freedom Week

803

94-3 Alcoholic Halfway House Days

803

94-4 Bangladesh Day

804

94-5 Catholic Schools Week

804

94-6 Land Surveyors' Month

804

94-7 Dr. Martin Luther King Jr. Day/Day of Tribute

2546

94-8 African-American Unity March Day

2546

94-9 Human Services Week

2547

94-10 Ivan and Ruth Frick Day

2547

94-11 Week of the High Risk Child

2548

94-12 African-American History Month

2548

94-13 Free Enterprise Week

2548

94-14 International Festival Week

2548

94-15 Martina Navratilova Days

2549

94-16 Save A Life Day

2550

94-17 Student Financial Aid Awareness Month

2550

94-27	Child Passenger Safety Month	2678
94-28	Dr. Carter G. Woodson Day	2679
94-29	Four Chaplains Sunday	2679
94-30	Lithuanian Independence Day	2680
94-31	Seed Month	2680
94-32	Post Anesthesia Nurses Awareness Week	2681
94-33	Dick Helton Day	2681
94-34	Engineers Week	3040
94-35	Future Business Leaders of America-Phi Lambda Week	3040
94-36	GFMC Waulegan Woman's Club Day	3040
94-37	Manufacturing Week	3041
94-38	Marketing Week	3042
94-39	Multiple Sclerosis Awareness Month	3042
94-40	Nutrition Month	3042
94-41	Reading Is Fun Week	3043
94-42	Tornado Preparedness Week	3043
94-43	Representative Bob Olon Day	3044
94-44	Doctor's Day	3157
94-45	African American Contractors Day	3157
94-46	American Red Cross Month	3157
94-47	Chicago Academy for The Arts-5th Annual Dessert Classic Day	3158
94-48	Chronic Fatigue Syndrome Awareness Month	3159
94-49	National American Business Club Month	3159
94-50	School Breakfast Week	3160
94-51	School Social Work Week	3160
94-52	Denim Day	3161
94-53	Denial Assistance Recognition Week	3162
94-54	Employ The Older Worker Week	3162
94-55	Breastfeeding Promotion Month	3797
94-56	Herman M. Finch Day	3797
94-57	Music Education Day At The Capitol	3798
94-58	Cartmelmas Day	3798
94-59	DuPage Symphony Orchestra Day	3799
94-60	Eye Donor Awareness Month	3800
94-61	Southern Illinois University Quasiquintennial Day	3800
94-62	Apprenticeship Week	4475
94-63	Building Safety Week	4475
94-64	Greek Independence Day	4476
94-65	Malcolm X College Career Expo Day	4476
94-66	Professional Social Workers Month	4477
94-67	Casimir Pulaski Day	4477
94-68	Alcohol Awareness Month/Illinois State Youth Forum Day	4478
94-69	Certified Nurse Assistant Day	4478
94-70	Curtis Mayfield Day	4479
94-71	Licensed Practical Nurse Week	4479
94-72	Long-Term Care Nurses Week	4480
94-73	Volunteer Week	4480
94-74	Youth Art Month	4481
94-75	Parents Inservice Conference Days	4481
94-76	Bob Leininger Day	4482
94-77	Casimir Pulaski Day (Revised)	5024
94-78	Chicago Opportunity Days	5024
94-79	Mental Retardation And SPARC Awareness Month	5025
94-80	Tree City USA Month	5025
94-81	Agriculture Day	5026
94-82	Tibetan Day	5367
94-83	Violence Prevention Month	5367
94-84	Bicycle Helmet and Safety Awareness Week	5368
	Free Paper Week	5368

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #18

May 6, 1994

94-85 VA West Side Medical Center Women's History Month
94-86 Camp Fire Boys and Girls Day
94-87 Chicago Latino Film Festival Days
94-88 Student Council Week
94-89 U.S. Savings Bond Campaign Month
94-90 High Blood Pressure and Stroke Awareness Month
94-91 Irish American Heritage Month
94-92 Youth Temperance Education Week
94-93 Arbor Day in Palos Heights
94-94 Federal Employee of the Year Day
94-95 Henrietta Stark Day
94-96 Lake and Watershed Management Month
94-97 Medical Laboratory Week
94-98 Motorcycle Awareness Month
94-99 Nurse: The Heart of the Health Care Team Day
94-100 Public Health Month
94-101 Rural Electric and Telephone Youth Day
94-102 Student-Athlete Day
94-103 Call Before You Dig Month
94-104 Continuity Of Care Week
94-105 D.A.R.E. Day
94-106 Illinois Community College Month
94-107 Sexual Assault Awareness Month
94-108 STD Awareness Month
94-109 Women's Federation For World Peace Days
94-110 American Association for Affirmative Action Days
94-111 Illinois State Quarnet Convention Week
94-112 Probation Officer Day
94-113 Professional Secretaries Week/Professional Secretaries Day
94-114 Saving Month
94-115 Soccer In The Street Day
94-116 Telecommunicator Week
94-117 Infant Immunization Week
94-118 Natural Resources Stewardship Month
94-119 Holocaust Commemoration Month
94-120 Illinois Cancer Pain Awareness Week
94-121 Emergency Medical Services Week
94-122 Home Safety Week
94-123 Manufactured Housing Month
94-124 Month of the Young Child
94-125 Organ And Tissue Donor Awareness Week
94-126 Queen Isabella Day
94-127 Week of the Young Child
94-128 Harry Caray Day
94-129 Logistics Week
94-130 AIDS Awareness Day/AIDS Walk Springfield Day
94-131 American POW Recognition Day
94-132 James S. Kemper, Jr. Day
94-133 Jewish Cultural Week
94-134 Pakistan Day
94-135 Purple Bows For Cancer's 2nd Introduction Day
94-136 Chicago Youth Symphony Orchestra Day
94-137 Crime Victims Rights Week
94-119 Holocaust Commemoration Month (Revised)
94-138 Israel Independence Day
94-139 Louis B. Kuhn Day
94-140 Tufton's Week
94-141 Disaster Area-Douglas County
94-142 Disaster Area-Calhoun, Green and Jersey Counties

12

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #18

May 6, 1994

94-143 Disaster Exits Within State of Illinois
94-144 Disaster Area-Alexander, Cass, Menard, Sangamon, Dewitt and Vermillion Counties
94-145 Anthony M. Tortorello Day
94-146 Dave and Linda Kindernay Day
94-147 Design/Drafting Week
94-148 Harold Washington Day
94-149 Illinois Eye Fund/UIC Eye Center Day
94-150 Medical Assistant's Week
94-151 Year of the Conger Expedition
94-152 Youth Service Day
94-153 Chicago Coin Club Day
94-154 Child Abuse Prevention Services Day
94-155 Keep America Beautiful Month
94-156 Seth In Stearns Day
94-157 Girl Scout Leaders Day
94-158 Disaster Areas-Champaign and Inquois Counties
94-159 Christian Heritage Week
94-160 Darryl Hatley-Leonard and Hyatt Hotels Corporation Day
94-161 Scientific Literacy Week
94-162 E.M. (Buck) Chastain Day
94-163 Groundwater Protection Month
94-164 Monsignor Edward J. Duncan Day
94-165 Smiles for Little City Days
94-166 George Hovance Appreciation Day
94-167 Kim Deakins, Janelle King and Mary Murphy Day
94-168 Suicide Prevention Week/Survivors of Suicide Day
94-169 Day of Prayer
94-170 James M. Bailey Day
94-171 Chicago Commons Month
94-172 Charleston Area Senior Center Day
94-173 Community Banking Week
94-174 Correctional Officer Week
94-175 Dyslexia/Learning Disabilities Month
94-176 Home Education Week
94-177 Mattoon Area Senior Center Day
94-178 Zion Missionary Baptist Day

13

ILLINOIS REGISTER

Volume 18, Issue #18

SECTIONS AFFECTED INDEX

May 6, 1994

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction

PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
Object
RC = Recommendations
EC = Expedited Correction
C = Correction

1984	100.870	am	(P-7087)	220.450	am	(P-13307/93;A-4758)
	100.880	am	(P-7087)	220.500	am	(P-13307/93;A-4758)
	100.710	am	(P-7087)	220.800	am	(P-13307/93;A-4758)
	100.735	am	(P-7087)	220.780	am	(P-13307/93;A-4758)
	100.740	am	(P-7087)	220.780	am	(P-13307/93;A-4758)
	100.140	am	(P-7087)	220.810	am	(P-13307/93;A-4758)
	100.810	am	(P-7087)	220.800	am	(P-13307/93;A-4758)
	100.820	am	(P-7087)	220.950	am	(P-13307/93;A-4758)
	100.800	am	(P-7087)	220.900	am	(P-13307/93;A-4758)
	100.1000	am	(P-7087)	220.1100	am	(P-13307/93;A-4758)
	100.1010	am	(P-7087)	220.1100	am	(P-13307/93;A-4758)
	100.1020	am	(P-7087)	220.1250	am	(P-13307/93;A-4758)
	100.1030	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.1110	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.1115	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.1120	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.1140	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.1150	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.1200	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.350	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.360	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.410	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.430	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.450	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.500	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.510	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.530	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.540	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.550	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.600	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.610	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.640	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.655	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)
	100.660	am	(P-7087)	220.1300	am	(P-13307/93;A-4758)

SAL-1

ILLINOIS REGISTER

Volume 18, Issue #18

SECTIONS AFFECTED INDEX

May 6, 1994

(Title 1, cont.)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															</
------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	----

ILLINOIS REGISTER

Volume 18, Issue #18

SECTIONS AFFECTED INDEX

May 6, 1994

May 6, 1994

[illegible]

SAI-5

ILLINOIS REGISTER

Volume 18, Issue #18

SECTIONS AFFECTED INDEX

May 6, 1994

[illegible]

SAI-6

ILLINOIS REGISTER

Volume 18, Issue #18

May 6, 1994

Volume 18, Issue #18

CTIONS AFFECTED INDEX

May 6, 1994

[illegible]

SAI-7

ILLINOIS REGISTER

Volume 18, Issue #18

May 6, 1994

Volume 18, Issue #18

CTIONS AFFECTED INDEX

May 6, 1994

(Title 35, cont.)									
370.1030	(A-6375)	721.106	em	(P-357/A-6741)	P-5403	n			
370.1040	(A-6375)	721.122	em	(P-6526)	P-5403	n			
370.1050	(A-6375)	721.124	em	(P-6526)	P-5403	n			
370.1060	(A-6375)	721.Ae.B	em	(P-6526)	P-5403	n			
370.1070	(A-6375)	721.Ae.C	em	(P-6526)	P-5403	n			
370.1080	(A-6375)	721.Ae.J	em	(P-6526)	P-5403	n			
370.1090	(A-6375)	724.101	em	(P-439/A-6973)	P-5403	n			
370.1100	(A-6375)		em	(P-9453/93;	P-5403	n			
370.1110	(A-6375)		em	A-20630/93.C-5015)	P-5403	n			
370.1120	(A-6375)	724.103	em	(P-439/A-6973)	P-5403	n			
370.1130	(A-6375)	724.201	em	(P-439/A-6973)	P-5403	n			
370.1200	(A-6375)	724.230	em	(P-6641)	P-5403	n			
370.1210	(A-6375)	724.351	em	(P-439/A-6973)	P-5403	n			
370.Ae.A	(A-6375)	724.414	em	(P-6641)	P-5403	n			
370.Ae.B	(A-6375)	724.652	n	(P-439/A-6973)	P-5403	n			
370.Ae.C	(A-6375)	724.653	n	(P-439/A-6973)	P-5403	n			
370.Ae.D	(A-6375)	725.101	em	(P-37/A-6771)	P-5403	n			
370.Ae.E	(A-6375)		em	(P-9245/93.A-20620/93;	P-5403	n			
370.Ae.F	(A-6375)		em	C-5011)	P-5403	n			
370.Ae.G	(A-6375)	725.243	em	(P-337/A-6771)	P-5403	n			
370.Ae.H	(A-6375)	725.280	em	(P-6568)	P-5403	n			
372.100	(A-6524)	725.414	em	(P-6568)	P-5403	n			
372.110	(A-6524)	725.543	em	(P-337/A-6771)	P-5403	n			
372.200	(A-6524)	726.203	em	(P-6600)	P-5403	n			
372.210	(A-6524)	726.204	em	(P-6600)	P-5403	n			
372.220	(A-6524)	726.206	em	(P-6600)	P-5403	n			
372.230	(A-6524)	726.21	em	(P-6600)	P-5403	n			
372.240	(A-6524)	726.A.G	em	(P-6600)	P-5403	n			
372.250	(A-6524)	728.101	em	(P-9317/93.A-20692/93;	P-5403	n			
372.300	(A-6524)		em	C-5013)	P-5403	n			
372.310	(A-6524)	728.102	em	(P-388/A-6799)	P-5403	n			
372.400	(A-6524)		em	(P-9317/93)	P-5403	n			
372.410	(A-6524)		em	A-20692/93.C-5013)	P-5403	n			
372.420	(A-6524)	728.107	em	(P-388/A-6799)	P-5403	n			
372.430	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.500	(A-6524)		em	C-5013)(P-6535)	P-5403	n			
372.510	(A-6524)	728.109	em	(P-388/A-6799)	P-5403	n			
372.520	(A-6524)		em	(P-9317/93;	P-5403	n			
372.530	(A-6524)		em	A-20692/93.C-5013)	P-5403	n			
372.540	(A-6524)	728.135	em	(P-388/A-6799)	P-5403	n			
372.550	(A-6524)	728.136	em	(P-388/A-6799)	P-5403	n			
372.560	(A-6524)	728.137	em	(P-388/A-6799)	P-5403	n			
372.570	(A-6524)		em	(P-9317/93;	P-5403	n			
372.580	(A-6524)		em	A-20692/93.C-5013)	P-5403	n			
372.590	(A-6524)	728.140	em	(P-388/A-6799)	P-5403	n			
372.600	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.610	(A-6524)		em	C-5013)(P-6535)	P-5403	n			
372.620	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.630	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.640	(A-6524)		em	C-5013)(P-6535)	P-5403	n			
372.650	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.660	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.670	(A-6524)		em	C-5013)(P-6535)	P-5403	n			
372.680	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.690	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.700	(A-6524)		em	C-5013)	P-5403	n			
372.710	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.720	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.730	(A-6524)		em	C-5013)	P-5403	n			
372.740	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.750	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.760	(A-6524)		em	C-5013)	P-5403	n			
372.770	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.780	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.790	(A-6524)		em	C-5013)	P-5403	n			
372.800	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.810	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.820	(A-6524)		em	C-5013)	P-5403	n			
372.830	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.840	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.850	(A-6524)		em	C-5013)	P-5403	n			
372.860	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.870	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.880	(A-6524)		em	C-5013)	P-5403	n			
372.890	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.900	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.910	(A-6524)		em	C-5013)	P-5403	n			
372.920	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.930	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.940	(A-6524)		em	C-5013)	P-5403	n			
372.950	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.960	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
372.970	(A-6524)		em	C-5013)	P-5403	n			
372.980	(A-6524)		em	(P-388/A-6799)	P-5403	n			
372.990	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.000	(A-6524)		em	C-5013)	P-5403	n			
373.010	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.020	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.030	(A-6524)		em	C-5013)	P-5403	n			
373.040	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.050	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.060	(A-6524)		em	C-5013)	P-5403	n			
373.070	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.080	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.090	(A-6524)		em	C-5013)	P-5403	n			
373.100	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.110	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.120	(A-6524)		em	C-5013)	P-5403	n			
373.130	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.140	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.150	(A-6524)		em	C-5013)	P-5403	n			
373.160	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.170	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.180	(A-6524)		em	C-5013)	P-5403	n			
373.190	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.200	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.210	(A-6524)		em	C-5013)	P-5403	n			
373.220	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.230	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.240	(A-6524)		em	C-5013)	P-5403	n			
373.250	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.260	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.270	(A-6524)		em	C-5013)	P-5403	n			
373.280	(A-6524)		em	(P-388/A-6799)	P-5403	n			
373.290	(A-6524)		em	(P-9317/93.A-20692/93;	P-5403	n			
373.300	(A-6524)		em	C-5013)	P-5403	n			
373.310	(A-6524)		em	(P-337/A-6771)	P-5403	n			
373.320	(A-6524)		em	(P-6568)	P-5403	n			
373.330	(A-6524)		em	(P-6568)	P-5403	n			
373.340	(A-6524)		em	(P-337/A-6771)	P-5403	n			
373.350	(A-6524)		em	(P-6600)	P-5403	n			
373.360	(A-6524)		em	(P-6600)	P-5403	n			
373.370	(A-6524)		em	(P-6600)	P-5403	n			
373.380	(A-6524)		em	(P-6600)	P-5403	n			
373.390	(A-6524)		em	(P-6600)	P-5403	n			
373.400	(A-6524)		em	(P-6600)	P-5403	n			
373.410	(A-6524)		em	(P-6600)	P-5403	n			
373.420	(A-6524)		em	(P-6600)	P-5403	n			
373.430	(A-6524)		em	(P-6600)	P-5403	n			
373.440	(A-6524)		em	(P-6600)	P-5403	n			
373.450	(A-6524)		em	(P-6600)	P-5403	n			
373.460	(A-6524)		em	(P-6600)	P-5403	n			
373.470	(A-6524)		em	(P-6600)	P-5403	n			
373.480	(A-6524)		em	(P-6600)	P-5403	n			
373.490	(A-6524)		em	(P-6600)	P-5403	n			
373.500	(A-6524)		em	(P-6600)	P-5403	n			
373.510	(A-6524)		em	(P-6600)	P-5403	n			
373.520	(A-6524)		em	(P-6600)	P-5403	n			
373.530	(A-6524)		em	(P-6600)	P-5403	n			
373.540	(A-6524)		em	(P-6600)	P-5403	n			
373.550	(A-6524)		em	(P-6600)	P-5403	n			
373.560	(A-6524)		em	(P-6600)	P-5403	n			
373.570	(A-6524)		em	(P-6600)	P-5403	n			
373.580	(A-6524)		em	(P-6600)	P-5403	n			
373.590	(A-6524)		em	(P-6600)	P-5403	n			
373.600	(A-6524)		em	(P-6600)	P-5403	n			
373.610	(A-6524)		em	(P-6600)	P-5403	n			
373.620	(A-6524)		em	(P-6600)	P-5403	n			
373.630	(A-6524)		em	(P-6600)	P-5403	n			
373.640	(A-6524)		em	(P-6600)	P-5403	n			
373.650	(A-6524)		em	(P-6600)	P-5403	n			
373.660	(A-6524)		em	(P-6600)	P-5403	n			
373.670	(A-6524)		em	(P-6600)	P-5403	n			
373.680	(A-6524)								

SAI-8

ILLINOIS REGISTER

Volume 18, Issue #18	SECTIONS AFFECTED INDEX	May 6, 1994
----------------------	-------------------------	-------------

Volume 18, Issue #18

ILLINOIS REGISTER

May 6, 1994

[illegible]

SAI-9

SAI-10

ILLINOIS REGISTER

Volume 18, Issue #18

SECTIONS AFFECTED INDEX

May 6, 1994

Volume

Issue #18

EXERCISES AF

INDEX

May 6, 1994

(Title 77, cont.)										(Title 77, cont.)												
685.280	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.570	am	(P-1691)	am	1100.670	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.290	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.580	am	(P-1691)	am	1100.680	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.300	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.590	am	(P-1691)	am	1100.690	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.310	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.600	am	(P-1691)	am	1100.700	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.320	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.610	am	(P-1691)	am	1100.710	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.330	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.620	am	(P-1691)	am	1100.720	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.340	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.630	am	(P-1691)	am	1100.730	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.350	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.640	am	(P-1691)	am	1100.740	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.360	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.650	am	(P-1691)	am	1100.750	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.370	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.660	am	(P-1691)	am	1100.760	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.380	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.670	am	(P-1691)	am	1100.770	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.390	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.680	am	(P-1691)	am	1100.780	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.400	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.690	am	(P-1691)	am	1100.790	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.410	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.700	am	(P-1691)	am	1100.800	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.420	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.710	am	(P-1691)	am	1100.810	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.430	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.720	am	(P-1691)	am	1100.820	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.440	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.730	am	(P-1691)	am	1100.830	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.450	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.740	am	(P-1691)	am	1100.840	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.460	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.750	am	(P-1691)	am	1100.850	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.470	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.760	am	(P-1691)	am	1100.860	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.480	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.770	am	(P-1691)	am	1100.870	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.490	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.780	am	(P-1691)	am	1100.880	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.500	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.790	am	(P-1691)	am	1100.890	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.510	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.800	am	(P-1691)	am	1100.900	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.520	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.810	am	(P-1691)	am	1100.910	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.530	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.820	am	(P-1691)	am	1100.920	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.540	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.830	am	(P-1691)	am	1100.930	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.550	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.840	am	(P-1691)	am	1100.940	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.560	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.850	am	(P-1691)	am	1100.950	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.570	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.860	am	(P-1691)	am	1100.960	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.580	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.870	am	(P-1691)	am	1100.970	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.590	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.880	am	(P-1691)	am	1100.980	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.600	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.890	am	(P-1691)	am	1100.990	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.610	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.900	am	(P-1691)	am	1101.000	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.620	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.910	am	(P-1691)	am	1101.010	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.630	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.920	am	(P-1691)	am	1101.020	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.640	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.930	am	(P-1691)	am	1101.030	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.650	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.940	am	(P-1691)	am	1101.040	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.660	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.950	am	(P-1691)	am	1101.050	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.670	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.960	am	(P-1691)	am	1101.060	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.680	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.970	am	(P-1691)	am	1101.070	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.690	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.980	am	(P-1691)	am	1101.080	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.700	am	(P-2697/933.A-4298)	am	(P-1691)	am	680.990	am	(P-1691)	am	1101.090	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.710	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.000	am	(P-1691)	am	1101.100	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.720	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.010	am	(P-1691)	am	1101.110	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.730	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.020	am	(P-1691)	am	1101.120	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.740	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.030	am	(P-1691)	am	1101.130	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.750	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.040	am	(P-1691)	am	1101.140	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.760	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.050	am	(P-1691)	am	1101.150	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.770	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.060	am	(P-1691)	am	1101.160	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.780	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.070	am	(P-1691)	am	1101.170	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.790	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.080	am	(P-1691)	am	1101.180	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.800	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.090	am	(P-1691)	am	1101.190	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.810	am	(P-2697/933.A-4298)	am	(P-1691)	am	681.100	am	(P-1691)	am	1101.200	am	(P-12606/933.A-2888)	am	RC-3151)	am	2650.26	am	RC-3151)	am	505.2140	n	(P-846)
685.820	am	(P-2697/933.A-																				

SAI-13

SAI-14

SAI-14

[illegible][illegible]

ILLINOIS REGISTER

Volume 18, Issue #18 SECTIONS AFFECTED INDEX May 6, 1994

(Title 92, cont.)					
800.120	n	(P-12613/93A-540)	1375.2030	f	(P-6635/93A-1927)
800.130	n	(P-12813/93A-540)	1375.2040	f	(P-6635/93A-1927)
700.20	am	(P-0071IE-780)	1375.2060	f	(P-6635/93A-1927)
700.75	n	(P-0071IE-780)	1375.2070	f	(P-6635/93A-1927)
708.60	am	(P-1911)	1375.2080	f	(P-6635/93A-1927)
708.70	am	(P-1911)	1375.3010	f	(P-6635/93A-1927)
1030.98	n	(P-893)	1375.3020	f	(P-6635/93A-1927)
1030.97	n	(P-15803/93A-1591)	1375.3030	f	(P-6635/93A-1927)
1040.20	am	(P-2853)	1375.4010	f	(P-6635/93A-1927)
1040.35	am	(P-2853)	1375.5010	f	(P-6635/93A-1927)
1040.43	am	(P-1797)	1375.6010	f	(P-6635/93A-1927)
1060.15	am	(P-142)	1375.6020	f	(P-6635/93A-1927)
1060.16	am	(P-142)	1375.6030	f	(P-6635/93A-1927)
1060.17	am	(P-142)	1375.7100	f	(P-6635/93A-1927)
1060.20	am	(P-142)	1375.7110	f	(P-6635/93A-1927)
1060.30	am	(P-142)	1375.7120	f	(P-6635/93A-1927)
1060.40	am	(P-142)	1375.7130	f	(P-6635/93A-1927)
1060.50	am	(P-142)	1375.7140	f	(P-6635/93A-1927)
1060.60	am	(P-142)	1375.7150	f	(P-6635/93A-1927)
1060.70	am	(P-142)	1375.7160	f	(P-6635/93A-1927)
1060.80	am	(P-142)	1375.7170	f	(P-6635/93A-1927)
1060.90	am	(P-142)	1375.7175	f	(P-6635/93A-1927)
1060.100	am	(P-142)	1375.7180	f	(P-6635/93A-1927)
1060.110	am	(P-142)	1375.7190	f	(P-6635/93A-1927)
1060.120	am	(P-142)	1375.7200	f	(P-6635/93A-1927)
1060.130	am	(P-142)	1375.7210	f	(P-6635/93A-1927)
1060.140	am	(P-142)	1375.7220	f	(P-6635/93A-1927)
1060.150	am	(P-142)	1375.7230	f	(P-6635/93A-1927)
1060.160	am	(P-142)	1375.7240	f	(P-6635/93A-1927)
1060.170	am	(P-142)	1375.7250	f	(P-6635/93A-1927)
1060.180	am	(P-142)	1375.7260	f	(P-6635/93A-1927)
1060.180	am	(P-142)	1375.9100	f	(P-6635/93A-1927)
1060.200	am	(P-142)	1375.9110	f	(P-6635/93A-1927)
1070.40	am	(P-217)	1375.9120	f	(P-6635/93A-1927)
1070.40	am	(P-217)	1375.9130	f	(P-6635/93A-1927)
1070.80	am	(P-217)	1375.9140	f	(P-6635/93A-1927)
1070.80	am	(P-217)	1376.10	n	(P-6635/93A-1927)
1070.80	am	(P-217)	1376.20	n	(P-6635/93A-1927)
1070.80	am	(P-217)	1376.30	n	(P-6635/93A-1927)
1070.100	am	(P-217)	1376.40	n	(P-6635/93A-1927)
1239.10	n	(P-9935/63A-1624)			
1375.10	f	(P-9935/63A-1927)			
1375.15	f	(P-9935/63A-1927)			
1375.20	f	(P-9935/63A-1927)			
1375.30	f	(P-9935/63A-1927)			
1375.40	f	(P-9935/63A-1927)			
1375.50	f	(P-9935/63A-1927)			
1375.60	f	(P-9935/63A-1927)			
1375.80	f	(P-9935/63A-1927)			
1375.85	f	(P-9935/63A-1927)			
1375.9000	f	(P-9935/63A-1927)			
1375.1010	f	(P-9935/63A-1927)			
1375.1020	f	(P-9935/63A-1927)			
1375.1030	f	(P-9935/63A-1927)			
1375.1040	f	(P-9935/63A-1927)			
1375.1050	f	(P-9935/63A-1927)			
1375.1060	f	(P-9935/63A-1927)			
1375.1070	f	(P-9935/63A-1927)			
1375.1080	f	(P-9935/63A-1927)			
1375.1090	f	(P-9935/63A-1927)			
1375.1100	f	(P-9935/63A-1927)			
1375.1110	f	(P-9935/63A-1927)			
1375.1120	f	(P-9935/63A-1927)			
1375.1130	f	(P-9935/63A-1927)			
1375.1140	f	(P-9935/63A-1927)			
1375.1150	f	(P-9935/63A-1927)			
1375.1160	f	(P-9935/63A-1927)			
1375.1170	f	(P-9935/63A-1927)			
1375.2010	f	(P-9935/63A-1927)			
1375.2020	f	(P-9935/63A-1927)			